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POLITICAL SCIENCE QUARTERLY.

THE ELECTORAL SYSTEM.[1]

THE system of choosing the president and vice-president by electors is established in the Constitution of the United States. To amend that Constitution is not easy, even where there is no objection to the proposed change. Jackson, fifty years ago, proposed to extend the term of the president from four to six years and to make him ineligible. That was right, and was generally favored as a great reform; but it is not yet adopted. Some, however, propose to abolish the electoral college altogether, to choose the president and vice-president by a direct vote, and to let a plurality of the popular vote of all the states make that choice. As such a change would decrease the power of the small states and enlarge that of the great ones, and thereby affect the dignity and equality of the states as such, so far as now recognized in that choice, it would certainly meet with serious, and probably with successful opposition. While it is only in the Senate that the ab-

[1] This paper was prepared by the late James Rood Doolittle, sometime Senator from Wisconsin, shortly after the general election in November, 1884. At that general election, it will be remembered, Grover Cleveland was elected president of the United States over James G. Blaine. Judge Doolittle was greatly interested in that campaign, and contributed to the result with his voice and vote for Mr. Cleveland. The able and distinguished character of Judge Doolittle, his great familiarity with all matters pertaining to the public service and to official life, his long and intimate connection with public affairs, local and national, both in an official way and as a member of the legal profession, his luminous presentation of the questions considered in this paper, make the publication of it a contribution of more than passing interest or of ordinary value, whether viewed in the light of history or of politics. Although the article was prepared by request, it has never been published. It came into the possession of the undersigned, who has been engaged in the preparation of a sketch of the distinguished publicist.

MILWAUKEE, WISCONSIN, DECEMBER, 1903. DUANE MOWRY.

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solute equality of the states is guaranteed forever, it is not likely that the smaller states would ratify an amendment to deprive them of their relative power in choosing the chief executive. Each state now casts two votes in the electoral college, as a state, which would not be the rule in case of a direct vote by the people. Besides, a majority of all the electors is now necessary to a choice. If no one has that, then the choice is to be made by the House of Representatives, where each state has one vote and a majority of all is necessary, and where Rhode Island would be equal to New York. It is therefore safe to conclude that such a change is not practicable, as it would fail to be ratified by three-fourths of the states. It might also be feared and opposed as a step towards centralism. As long as parties in the great states are evenly balanced, the smaller ones might retain their relative weight; but in a crisis two or three great states might unite their vote and overwhelm the other states in the choice of a president.

Against the wisdom of a direct popular vote it might also be objected that a president might be chosen by one party and a vice-president by another, in which case the death of the president would change the control of the government from one party to another. Within the last twenty years[1] two presidents have been assassinated, and mainly for political reasons. Both assassins, it is true, were near if not across the border line between sanity and insanity; yet the motives for those bloody deeds were more or less political. They were not done from personal malice, but to remove the president. Neither act ousted the party in power; but both show how dangerous it might be to have a single life stand between the continued power of a great party and the installation of its opponent.

The idea which underlies a presidential election is peaceful revolution. At stated intervals, the people not only change the names of their rulers, but change the administration and policy of their government, by peaceful revolution, which is authorized and regulated in the Constitution itself. That is both the essence and the crowning glory of our system. What other nations, under other forms of government, cannot do except by bloody civil war and expending millions of treasure, we do without shedding

[1] Ex-Senator Doolittle was writing in 1884. — D. M.

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one drop of blood, by peaceful assemblies, free discussion, and the ballot. But when such a change is once determined upon by the sovereign people, it is certainly wiser that the vice-president should be chosen to carry out the same policy as the president whose place he is to fill in case of a vacancy.

But an important and very desirable change in our electoral system which would remove many of its evils can be made without abolishing the electoral college or disturbing the relative power of the several states in that body.

That change should provide that two electors at large, for president and vice-president, be chosen by a plurality of the voters of each state on a general ticket, and that one elector be chosen by a plurality of the voters in each congressional district. This would preserve to each state the same relative weight in the choice which it now has. It could be effected before another presidential election, if all the states would join in it by common consent. But it is doubtful, to say the least, whether all of them acting independently would join in adopting it. Jealousies, arising from doubts whether they would always stand by it in case a partisan advantage could be gained by overthrowing it, might prevent it. Probably the only way in which it could be adopted would be by a change in the Constitution. That, as we have said, is not easy to be made, and it could be made only if favored by both of the great existing parties.

But should that change be made, two electors in each state would be chosen by the party which casts a plurality of the votes of the entire state, and one elector in each congressional district by the political party which casts a plurality of the votes in that district. The electors chosen in each state would thus very nearly represent the relative strength of its political parties. A state would not vote as a unit for president and vice-president unless all of its electors were of the same party faith; and minorities would not be so completely stripped as at present of all part in the election of the president.

The proposed measure is neither so radical nor so popular as the direct vote; but while it retains the conservative feature of the electoral college and leaves undisturbed state representation in that body, it is a long stride toward the exercise of local power

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by the people, and in practice it would undoubtedly secure the same result as a direct vote by the people.

Among the great benefits of such a change, first of all, it would put an end to the solid North and to the solid South. All parties would be national. Sectionalism would cease to be of advantage to any party. Republicans would choose electors in Democratic states, and Democrats would do the same in Republican states, and both would be guided by the spirit of nationalism. While each state would have the same number of votes, the people in each state would be more truly represented in the electoral college. As the matter now stands, each state in the electoral college practically votes as a unit. A very small plurality in a large state has therefore a most potent voice in determining the result. As the unit vote of a state in the electoral college is the only ground upon which the unit rule in a nominating convention can be defended, it would follow that if the state ceased to vote as a unit in the college which chooses, the unit rule in the convention which nominates the president and vice-president would cease also; and that would give to the people of each congressional district a voice in those important bodies where the candidates, by virtue of an unwritten law almost as binding as the Constitution itself, are placed in nomination for these high offices.

Again, the change here suggested would prevent making any one or two states the great battle ground of a presidential election. The real contest would be all along the line. Each congressional district wherever located, whether in Maine or Louisiana, would be equally important as a battle-field.

By such a change, also, we might hope to see an end to those corrupt schemes and combinations to carry or defeat a plurality in a single state. The tendency of political affairs of late years, with the increase of wealth and the enlargement of the powers of the central government, has been in the direction of the expenditure of large sums of money in presidential elections. No patriot can view without sincere alarm the use of vast corruption funds in those elections. If one party resorts to it, the other is driven, willing or unwilling, to similar methods. The laudable ambition of the worthy is thereby smothered; the cunning and avarice of the vicious are aroused. The better elements of society are re-

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pressed, and the worst are stimulated to prodigious activity, by an atmosphere tainted with greed and dishonor. In late presidential elections, hundreds of thousands, if not millions, have been expended in doubtful states, in order to obtain a plurality of their popular vote and thus secure their unanimous electoral vote. It is probable that so long as the inducement remains the practice will continue and its demoralizing effects increase with time and exercise. If the battle in a great state could be reduced to a contest over the two electors at large, it is manifest that the inducement for the expenditure of large sums of money in carrying the state would be gone. The election of president would be rendered more peaceful, and less liable to provoke bitterness, and possible strife, as over a fraud as charged in Louisiana in 1876, or over a close result as in the recent election in the state of New York, where a change of six hundred votes would have reversed the result of the presidential election.

Both political parties can well afford to adopt the proposed amendment. While it might seem a concession on the part of the Democratic party, which has just regained power, to divide with its opponent the electoral votes of Northern states which it now has and of others which it may perhaps be able to secure, still the leaders of that party may well rely on the people and on its recognized ability to carry a majority of the congressional districts and a majority of the electors to be chosen therein. The Republican party can also favor the proposition, for it would assure to that party electoral votes, not only in the South, but in several of the close states of the North which it is in danger of losing altogether in case its victorious opponent shall succeed in securing a small plurality in them. But beyond and above any consideration of temporary, or future advantage, both parties ought to favor the measure as a means of purifying our political life, and of placing the choice of president and vice-president nearer the people and more fully within their control.

Had this system been in force in 1876, Tilden and Hendricks would have been declared elected and would have been inaugurated without a question; and at the recent election the result would have been the same as it now is. Each state would have chosen two electors at large, corresponding to the number of sen-

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ators. In all there would have been 76, of whom 40, chosen by the twenty democratic states, would have cast their votes for Cleveland; and 36, chosen by the eighteen republican states, would have cast their votes for Blaine. The several congressional districts in all the states, if judged by the result in electing members of the House, would have cast 183 votes for Cleveland, and 141 for Blaine. Cleveland would have been chosen by a majority of 46 votes, instead of a majority of 37 under the existing electoral system.

But analyze the vote, and some striking results appear. For instance, New York, instead of 36 under the present system, would have given only 19 votes for Cleveland and 17 for Blaine; while Ohio, instead of 23 votes for Blaine, would have given 11 for Cleveland, and only 12 for Blaine. Similar results would appear in most of the states. A few at the North, like Maine, Vermont, New Hampshire, Kansas and Nebraska, would have given all their votes for Blaine; and a few at the South, such as Alabama, Texas, Mississippi and Georgia, would have done the same for Cleveland. But the minorities in most of the states would have had a potential voice in the electoral college. The sectional idea of a solid North on one side and a solid South on the other would have disappeared; and at the same time the presidential election would have been brought nearer to the people.

Such a change in our electoral system would be popular and consistent with the spirit of the age; and while tending to purify our political life, would promote peaceful elections, and thereby insure the permanency of our institutions.

James Rood Doolittle.

Note. In the above article the author points out what the results would have been in 1876 and 1884 had the system he advocates been in use. A study of the presidential elections since the last mentioned date shows that the results would have been practically the same under either system. The following table has been compiled from the *World Almanac;* on account of contests, *etc.* the figures are only approximately accurate, but sufficiently so for our purpose.

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	States Carried	Representatives Elected	Actual Electoral Vote	Electoral Vote Under Proposed System
1888				
Republicans	20	166	233	206
Democrats	18	159	168	195
1892 [1]				
Republicans	16	126	145	158
Democrats	23	220	277	266
Populists	5	8	22	18
1896 [2]				
Republicans	23	206	271	252
Democrats	22	134 [3]	176	178
Populists, *etc.*		16		16
1900				
Republicans	28	198	292	254
Democrats	17	151	155	185
Populists, *etc.*		8		8

The above figures show that the proposed system would tend to lessen the majority of the victorious party, and would also give one or more electoral votes to any party strong enough to carry one or more districts, even though the party should not succeed in carrying a single state. In consequence there would be greater likelihood, in cases where there should be more than two parties, that the choice would devolve upon the House of Representatives.

It is worthy of remark that in the election of 1892 the proposed system received a trial in the state of Michigan. In that state, which is normally Republican, a Democratic legislature and governor carried through a law which provided that one elector should be chosen in each of the twelve congressional districts, and two electors for the state at large. The result was that, although the state as a whole went Republican, the Democrats won the day in five districts, and consequently gained five of the fourteen electoral votes. It is needless to say that the Republicans repealed the law when the new legislature met.

Paul Lelord Haworth.

[1] The two Representatives for Rhode Island were in reality not chosen until the spring of 1893.

[2] One vacancy in Missouri.

[3] Including 15 classed as Fusionists.

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MONOPOLY AND TARIFF REDUCTION.

THERE was a time when theorists and practical men seemed to be in hopeless disagreement concerning the entire subject of protection. In the view of the practical man an economist was a person who in his study had reached certain conclusions which were equally unanswerable in themselves and irreconcilable with the facts. The expression most commonly heard in this connection was that "theory and practice do not agree." The doctrinarians were, in those days, unusually harmonious among themselves, for there were comparatively few who made a vigorous defense of protection on grounds of economic principle. The practical world was less harmonious, since the views of different parts of it were colored by differing interests; but the fact that science did not fall into self-contradiction was encouraging. It was possible for the uncompromising free trader to think and to say that fundamental principles were all on his side and that the protectionist had nothing in his favor except transient disturbances that interfered with the perfect working of the principles.

Now the business world conceded too much to the free trader when it said that he had theory altogether in his favor. What he could truthfully claim and what the world could safely admit was that he had *static* theory in his favor. Static theory deals with a world which is free not only from friction and disturbance but also from those elements of change and progress which are the marked features of actual life. Stop all the changes that are taking place in the industrial life of the world; put an end to inventions and improvements in business organization; let there be no moving of population to and fro and no increase of the aggregate population of the world; further, let there be no addition to the wealth of the world and no change in its forms, and you will have the static state. Men would go on making things to the end of time, using identically the same methods that are now in vogue and getting identically the same results. In such an imaginary world there would be no possibility of answering the contention of the general body of economists of a generation ago. Free trade would be the only

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rational policy and it could be defended upon the simple ground on which division of labor in the case of individuals is defended. One man has an aptitude for making shoes, another for making watches, another for painting pictures, and so on, and each one of them can gain far more by devoting himself to his specialty and bartering off the product of it than he can by trying to make everything for himself. Nations have their special aptitudes and should follow them and make all they can out of them; and the nation which has special facilities for producing cotton or wheat or petroleum or gold and silver bullion should devote itself to its specialties, barter off the results and get all manner of goods in return.

It is true indeed that a great nation like our own makes a much better jack-of-all-trades than an individual can make. It is far more probable that the nation as a whole can produce without much waste all the things it wants to use than that any individual can do so. If we have all climates from the tropical to the arctic all soils and a full list of mineral deposits, why should it pay us to confine ourselves to the making of only a few things in order to barter them off for others? Why should we not with our wide range of resources make everything?

Undoubtedly we can make almost everything if we insist upon doing it; but there are still some things that other countries can make and sell to us on such terms that we can do better by buying them than by producing them ourselves. We can raise tea in the United States, but it pays us better to make something else and barter it off for tea. A day's labor spent in raising cotton to send away in exchange gives us more tea than a day's labor spent in producing the latter article directly. In a static condition we should have found in what fields it is most profitable to employ our energies. We should be directly making things that it would pay us best to make, and we should be indirectly making the other things; that is, we should be producing articles to send off in exchange for those other things. Wherever an indirect way of acquiring a thing had proved most profitable we should have adopted that method, and we should always adhere to it. Anything that forced us to make directly something which we could secure in greater abundance by bestowing the labor that would make it on

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making something else, would turn our energies in a comparatively unproductive direction. It would inflict on us a waste and a loss — and there are such wastes and losses inherent in the operation of the principle of protection, and there is no contending against the argument that demonstrates their existence. Protection and a certain distortion of the productive system, a certain misdirection of energy, are synonymous.

Now an intelligent argument in favor of protection begins at this point. It accepts the whole static argument in favor of free trade and its own assertion begins with a "nevertheless." It claims that in spite of what is thus conceded, protection is justifiable since in the end it will pay, notwithstanding the wastes that attend it. The argument for protection is entirely a dynamic one. It is based on the fact of progress and admits that it could make no case for itself under the conditions of a static state. If every country had certain special facilities for producing particular things, and if its state in this respect were destined to remain forever unchanged, it could, to the end of time, make itself richer by depending for many things on its neighbors than it could by depending for those things immediately on itself. The fact is, however, that a nation like our own abounds in undeveloped and even unknown resources which, when brought to the light, may take precedence of many of those which are known and utilized. If our country from end to end were like Cape Nome and as rich in gold as the richest part of that remote region, and if it were certain that the deposits of gold would never be exhausted and would employ the whole energy of our people, it is clear that we should have one staple occupation and should depend upon the rest of the world for almost every sort of portable commodity. We should be estopped from manufacturing by the great productivity of labor in placer mining. So long as men can make ten dollars a day by washing out gold from the sands there would be no use in setting them at work making two dollars a day as weavers or shoemakers or what not. By buying our cloth with gold dust we could get far more of it than we could if we took the men out of the mine and set them to making the stuff itself. But — and here is the proviso that makes the supposition correspond with the fact — if besides the placers we had deep mines of other metals than gold,

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if we had oil and lumber and loam of every variety, and if we had people with undeveloped mechanical aptitudes, it might be that we should do well to develop these latent energies even in a wasteful way. The condition that would fully establish the similarity between the supposed case and the actual one is that the placer deposits should be, as placers are, sure to be exhausted by continued working and that producing other things than gold should tend to become, with time, a more and more fruitful process. We can justify the attitude of the country that taxes itself at an early date for the sake of testing and developing the latent aptitudes of its land and its people. At the outset it will thereby sustain a loss, because at the outset it can gain more goods by the indirect method of exchange than it can by production; but there may easily come a time when it can gain more by the direct method. If we learn to make things more economically than we could originally make them, if we hit upon cheap sources of motive power and of raw material, and especially if we devise machinery that works rapidly and accurately and greatly multiplies the product of a man's working day, we shall reach a condition in which, instead of a loss incidental to the early years of manufacturing, we shall have an increasing gain that will continue to the end of time. It may be, further, that without protection and the burdensome tax which it did undoubtedly impose upon us, we should have had to wait far too long for this gain to accrue and should have sacrificed the benefits that come from a long interval of diversified and fruitful industry.

In short, the static argument for free trade is unanswerable and the dynamic argument for protection, when intelligently stated, is equally so. The two arguments do not meet and refute each other but are mutually consistent. It is possible to ridicule the argument for protection under the name of the "infant-industry" argument, and it is possible for the policy it upholds to continue long after this argument has ceased to be valid. The overgrown infant will have sacrificed his claim for coddling, but that will not prove that there was never a time when he needed it.

Now there is an argument for tariff reduction which accepts both the static argument for free trade and the dynamic argument for protection. In fact it bases itself on the protectionist's modern

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and intelligent claim. To advance in any form the infant-industry argument is to admit that the policy advocated is temporary. Protective duties are, in fact, self-testing. They reveal in their very working whether they were originally justifiable or not. The ground on which they were imposed is that they would develop latent resources — that they would enable labor to produce as much by making a class of articles formerly produced in foreign countries as it could produce by engaging in industries already established, and exchanging its products for the former articles. If that time should come, the industry that had to grow up originally under the protection of a duty would become so fruitful that it could dispense with the duty. Taxes of this kind tend to become inoperative, provided always that the latent resources for economical production really exist.

Some years ago a man who had retired from the business of making spool silk remarked that, in his judgment, a duty of three per cent on imported silk of this kind would enable the American mills to hold full possession of their own market. The difference between what it cost the foreigner to make the silk and what it cost the American to make it was, as he thought, not over three per cent. If he was right in his estimate, almost all of the actual duty might have been abolished without crushing the American manufacturer. Americans had developed a sufficient aptitude for making spool silk to be able to get nearly as much of it by turning their labor in that direction as they could by turning their labor in any other direction and exchanging the product for foreign silk. We must originally have lost much by forcing ourselves directly to make the silk, for at the outset we could not make it as economically as we could make an article which we could exchange for it. At the time of which we are speaking we could make it with almost no waste, and the case illustrates a general fact with regard to duties upon articles in the making of which we are originally at a disadvantage but are afterwards at no disadvantage at all. When our original disadvantage has been quite overcome, the duty becomes inoperative. Whether we keep it or throw it off will make no difference to the American manufacturer or to the American consumer — provided always that competition is free and active. If it is not so, there is a very different story to tell.

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Instead of getting from the soil gold dust to barter for merchandise we have been getting a product that is not so greatly unlike it. For grains of gold read kernels of wheat and the statement will tell what a large portion of our country has produced and exported. The productivity of wheat-raising has made it uneconomical, in certain extensive regions, to engage in other occupations; but as the fertility of the wheat lands has declined, and as the productive power of labor in other directions has increased, we have reached a point at which it is just as natural to make things for which we formerly bartered wheat as it is to produce the grain itself. The decline in the fertility of agricultural lands and the increase in the productive power of labor devoted to making steel have made the manufacturer of the latter article as independent as is the raiser of cereals. Originally it was necessary to protect iron and steel industries from competition in order to secure the establishment of them at an early day. Now it is apparently not necessary to continue the protection. Labor in making steel will give us as many tons of it in a year as the same labor would give us if spent in the raising of wheat to be exchanged for foreign steel. The duty on steel, if this is the case, has become inoperative, in the sense that it no longer acts to save from destruction the steel-making industry. It is perniciously operative in another direction, for it is an essential protector of a quasi-monopoly in the industry; and this illustrates what often happens in cases in which the infant-industry argument proves to be well grounded. The argument predicts for the newly established industry a great future development and a time of ultimate independence. Protection undertakes to nurse it through its period of helplessness and dependence into a time when it can stand on its own feet and maintain itself against rivals. If that period comes — and the history of the United States shows that in many cases it has come — you can throw off the entire duty, if you will, and unless the price of the article has been artificially sustained by something besides the duty, our manufacturers will not lose possession of their market.

An essential condition of realizing the happy predictions of the protectionists is that competition among American producers should be unimpeded. If that were so, goods would, as they said,

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be sold, in the end, at prices fixed by the costs of production, including the normal rate of interest on the capital employed. Manufacturers may originally get large profits, as an offset for such risks as they take in doing pioneer work; but afterwards they will get interest on their capital and a good personal return for directing their business, but nothing more. If they sell goods at prices which yield only such returns as this, they will, when the industry is on its feet, sell them as cheaply as the foreigner would do. The high duty, if it still continues, may make it doubly difficult for the foreigner to come into our market; but with goods selling at natural or cost prices he would not come into it in any case and the duty might be abolished with entire impunity.

There are indeed some questions which arise as to occasional unloading of extensive stocks in foreign markets, and protection has been called for to prevent the foreigner from making America his "dumping ground." This process works in both ways: the American can dump his surplus products into foreign territory as well as the foreigner can into American territory. Not much attention need be paid to this particular phase of the subject. Conservatism will probably suffice, for a long time, to retain in force a somewhat higher duty than is called for on general grounds. In the main the fact is as stated: if the protected infant has the capacity for growth that was attributed to him when the course of nursing, coddling, training and patient waiting was entered upon, he will announce that fact after a term of years by showing his inherent strength and proving that these fostering practices are no longer necessary. They are then needed only to aid a monopolistic power within the industry.

It appears, then, that duties have two distinct functions. One is to protect from foreign competition an industry as such — to shield every producer, whether he is working independently or in a pool or trust. The other function is to protect a trust in the industry — to enable a great combination working within the limits of the United States to keep that great field to itself and still charge abnormally high prices for its products. In fact a distinguishable part of a duty usually performs the former of these functions and another distinguishable part performs the latter. If the natural price of an article is based on the cost of making it in

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the United States, and if that is twenty per cent higher than the cost in a foreign country, a duty of twenty per cent will place the American product and the foreign product on an equality. The American maker will not be driven from his market until he begins to charge an abnormally high price. If he does that, the foreigner will come in. Suppose, then, that the duty is forty per cent. Twenty per cent may be needed to enable the American manufacturer to hold his own as against the foreigner. Provided he exacts from consumers of his goods only the natural returns which business yields, year in and year out, he can sell all that his mills produce with no danger that the foreigner will supplant him. The other twenty per cent of duty enables him to add a monopolistic profit to his prices. He can raise them by about that amount above what is natural before the foreigner will begin to make him trouble.

The trust has its own peculiar ways of stifling competition within the limits of our own country, and these ways are sufficiently familiar. There are the favors which it is able to get from the railroads and there is the practice of selling its goods in some one locality at a cut-throat rate whenever a competitor appears in that locality. There is the so-called factor's agreement, which often forces merchants to buy goods of a certain class exclusively from the trust. By these means and others the trust makes it perilous to build a mill for the purpose of competing with it. If, indeed, it makes its prices very high, some bold adventurer will build such a mill and take the chances that this entails; but if the trust stops short of offering such a tempting lure in the way of high prices, it can keep the field to itself. If the extra duty of twenty per cent did not exist, nothing of this sort would be possible. The trust would have to sell at a normal price in order to keep out the foreigner, and so would its independent competitor. Both the combination and its rivals could make their goods and sell them in security. The industry as such is protected by the duty of twenty per cent, and it is the additional duty which is the protector of monopoly — the enabling cause of the grab which the trust can make from the pockets of the consuming public.

In practice one would not try to make the figures quite as exact as is implied in the statement that just twenty per cent of

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duty is needed to protect the industry as such from the foreigner, and that just another twenty per cent acts as a maker of a monopolistic price. It would be impracticable to fix the duty in such a way as exactly to meet the need of protection. Owing to fluctuations in values the duty might be made slightly higher than is necessary under normal conditions. All these things would have to be considered by a competent tariff commission. The figures we here use are illustrative only; but the principle is as clear as anything in economics. Protecting an industry as such is one thing; it means that Americans shall be enabled to hold possession of their market, provided they charge prices for their goods which yield a fair profit only. Protecting a monopoly in the industry is another thing; it means that foreign competition is to be cut off even when the American producer charges unnatural prices. It means that the trust shall be enabled to sell a portion of its goods abroad at one price and the remainder at home at a much higher price. It means that the trust is to be shielded from all competition except that which may come from audacious rivals at home who are willing to brave the perils of entering the American field provided that the prices which here rule afford profit enough to justify the risk.

This line of cleavage runs through the greater part of the duties which this country now imposes on foreign articles; and the fact reveals the scientific rule for tariff reduction. Up to a certain point, according to the traditional American view, the duty may do good. It may be protecting an industry that is not quite an infant and yet has not grown to its full stature nor attained to its full competing power. Whatever may be claimed as to what ought to be done with this portion of the duty, there is no doubt what will be done: it will be retained, and the American people will wait with such patience as they may for the coming of the time when the industry will be independent of all such aid. Beyond this point a protective duty becomes a trust builder *par excellence*.

There are some industries which are fully matured. The duties which were imposed to shield them during their infancy are no longer necessary for that purpose. The amount of protection that in these cases is necessary to keep the American market for the American product is *nil*. The sole effect of duties on the

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products of such industries is to encourage monopoly. At the other extreme there are a few industries which have not gravitated into the control of monopolies and which need much of the protection that they have in order to hold their present fields. If they really are infants and not dwarfs — if they have the capacity to grow to full stature and independence — the policy of the people will undoubtedly be to let them keep, for a considerable time, all the protection that they now enjoy. The number of such industries as this is comparatively small. In the case of the great majority of our duties there is one part that protects the industry as such and another part that protects the monopoly within it. Throw off the whole duty and you expose the independent rivals of the trust, as well as the trust itself, to a foreign competition which they are hardly able to bear; but if you throw off a part of the duty — the part which serves to create the monopoly — you do not destroy and probably do not hurt the independent producer. His position now is abnormal and perilous. He may be continuing solely by grace of a power that could crush him any day if it would, and its power to crush him is due to the great gains which its position as a monopoly affords. When it wishes to crush a local rival it can enter his territory and, within that area, sell goods for less than it costs to make them; and while pursuing this cut-throat policy it can still make money, because it is getting high prices in the other parts of its extensive territory. With no such great general returns to draw on as a war fund, the trust would have to compete with its rivals on terms which would be at least more nearly even than they now are. It would still have weapons which it could employ against competitors and its capacity for fighting unfairly would not be exhausted. Without further action on the part of law makers the position of a small rival of a trust might be unnaturally dangerous; but an essential point is that one means which the trust adopts in order to crush him depends on the existence of great profits in most of its territory; and these would not exist if it were not for the unnecessary and abnormal part of the duty.

The trust, of course, wants its duty, and it wants the whole of it. It values the monopoly-making part according to the measure of the profits which that part brings into its coffers. The trust is

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powerful, as we do not need to be told, and it will find ways of thwarting tariff reduction as it does other anti-trust legislation. Drastic laws forced through legislatures or Congress during ebullitions of popular wrath — laws which demand so much in the way of trust breaking that they will never be enforced and never ought to be — have not, thus far, been prevented. Such "bulls against the comet" have been issued frequently enough, but serious legislation based on sound principles will encounter graver difficulties. There are difficulties before our people even where they see clearly what they want and are trying to get it; but where they do not see what they want the case is hopeless. The trust-making part of protective duties has an effect about which there is no uncertainty, and if the American people discover this fact, they will not have reached their goal, but the laborious route that leads to it will at least lie distinctly before them.

The general facts which have here been cited call for the abolition of a certain part of the existing duties and the retention of another part, and they make the division between the two parts clear at least in principle. We want to keep one part of a duty whenever it protects an industry which is not yet mature but is on its way towards maturity. We want the industry because it is progressive in its wealth-creating power and will one day make an important addition to our national income. It is a dynamic agent — a factor in the progress we are making toward the unrealized goal of universal comfort. We do not want the other part of the duty, first, because we do not want monopoly. Any feature of our industrial system which is convicted of being simply a monopoly-building element is condemned by that fact to extinction, if the power of the people suffices to destroy it. Does this mean that the consolidations themselves are thus condemned? Do we not want great corporations with vast capitals? Assuredly we want them, for the sake of their economy and of their capacity for greater economy. With the element of monopoly taken out of them they will become dynamic agents and contributors to general progress. The part of the protective tariff which we need to get rid of is the part that helps decisively to put the element of monopoly into them; and in that connection the worst charge that has to be brought against this part of the duties remains to be stated.

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Monopoly acts squarely against the continuance of that very progress which the tariff was designed to create. The entire defense of protection has rested on the dynamic argument, and the sole justification of the tax which protection originally imposed is the fact that it has given us industries which have in themselves the power to become more and more productive. It would be hard to deny that much of this increase in productive power which the originators of the protective system anticipated has been practically realized. The manufactures which have been carried through a period of weakness have actually developed competing strength. We have acquired the power to make things far more cheaply than anyone could formerly make them, and the cheapening process still goes on. Thanks to the progressive character of these industries the waste which attended the introduction of them has been largely atoned for. On dynamic grounds and solely on those grounds has the policy of protection fairly well vindicated itself. And now we have come to the point where that saving element in the protective system is in danger of vanishing. Indeed the excessive part of the protective tariff now acts positively to check the progress that it once initiated, for monopoly is hostile to that progress. The whole force of the argument based on mechanical invention and the development of latent aptitudes in our people now holds as against the monopoly-building part of the tariff. Keep that portion of a duty which is not needed to save an independent producer from foreign competition, which is needed only to enable the trust to charge an abnormal price and still keep the foreigner out of our markets, and you build up a monopoly which is unfavorable to continued improvement in the productive arts.

Competition is the assured guaranty of all such progress. It insures a race of improvement in which eager rivals strive with each other to see who can get the best result from a day's labor. It puts the producer where he must be enterprising or drop out of the race. He must invent machines and processes, or adopt them as others discover them. He must organize, explore markets and study consumers' wants. He must keep abreast of a rapidly moving procession if he expects to continue long to be a producer at all.

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Does a monopoly live under any such forward pressure? Certainly not. It may make some improvements, for it can gain wealth by so doing; but it is not forced to make them or to perish. Here we encounter a wide distinction that is in danger of being overlooked. A vast corporation that is not a true monopoly may be eminently progressive. If it still has to fear rivals, actual or potential, it is under the same kind of pressure that acts upon the independent producer — pressure to economize labor. It may be able to make even greater progress than a smaller corporation could make, for it may be able to hire ingenious men to devise new appliances and it may be able to test them without greatly trenching on its income by such experiments. When it gets a successful machine it may introduce it at once into many mills. Consolidation without monopoly is favorable to progress. With the element of monopoly infused into it, a great consolidation frees itself from the necessity for progress, and both experience and *a priori* reasoning are against the conclusion that, under such a régime, actual progress will be rapid. The secure monopoly may stagnate with impunity, and the reason why many corporations which have looked like monopolies have not actually stagnated is that their positions have not been thus secure. They have had some actual rivals and many potential ones. The part of the protective system which tends to make them more secure in their monopolistic position strikes at the most vital part of the industrial system, the progress within it, the element which adds daily to man's power to create wealth and enables the world to sustain an increasing population in an increasing degree of comfort. True monopoly means stagnation, oppression and what has been called a new feudalism, while consolidation without monopoly means progress, freedom and a constant approach to industrial democracy. One of the essential means of securing this latter result is the retention of so much protection as is needed to keep American ingenuity and organizing power alive and active while abolishing that excess of it which fosters monopoly and does away with the necessity for exercising these traits. There will be disagreement as to the point at which the dividing line should, in particular cases, be drawn; a protected interest will claim a duty of fifty per cent where twenty would amply suffice and where every

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excess above this would be pernicious. There should, however, be no serious disagreement as to what we want — progress and the repression of monopoly which bars progress; and there should be little disagreement as to the principle to be followed in making a protective system contribute to these ends. It must assuredly not bar out the foreigner when the American trust has put its prices at an extortionate level and is using its power to crush all rivalry at home. The good effect and the evil effect of an excessive duty are quite distinct in principle, and the task that is before us is to make them so in practice. It is to abolish the monopoly-building part of the protective system.

The whole question of the relation of the tariff to monopoly presents debatable points, some of which can not here be discussed. It is by no means claimed that an unnaturally high tariff is the sole means of sustaining monopolies, or that the reduction of it would leave nothing more to be done. A great corporation, as has already been said, possesses special means of waging a predatory war against local rivals, and its monopolistic power depends on these as well as on the tariff. With the foreigner forced off the field the trust can use with terrible effect these means of attack on local rivals. It is true that its monopolistic power might be greatly reduced, without touching the tariff, by taking from it its command of freight-rates and thus destroying its power to undersell rivals by means of the special rebates which it now receives; and its power for evil might be reduced still more by taking from it its privilege of cutting prices on its own goods in one locality while charging elsewhere the high prices which the exclusion of the foreigner enables it to get. Regulating trusts by these means only and without any change in the protective system would require, on the part of the people, a long continued struggle. It would require heroic persistence in a course of difficult administration. Success will come more quickly and easily if, while keeping a normal amount of protection, we abolish the abnormal part of it. The other measures for controlling trusts harmonize with this one and will work more effectively if they are used in combination with it.

Without going into any intricacies one can see that, with the tariff at a normal level, the success of the trust in making money

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will depend on its efficiency as a producer; and the same will be true of its independent rivals. Again and again it will then happen that new rivals will appear whose mills are far more efficient than many which the trust operates. They may even be more efficient than the best of the mills of the great combination. American producers and foreigners will be in eager rivalry with each other in seeking out means of reducing costs or — what is the same thing — increasing the product of a day's labor. Under the conditions here supposed, the trust will not be able to exterminate a really efficient competitor, and it will feel the stimulus of his rivalry in a way that will force it to be alert and enterprising in seeking and using new devices for economical production. The trust and its American competitor will alike feel the stimulus of the foreigner's efforts to surpass them both in methods of efficient production; and the outcome of it all will be a greater degree of progress — a more dynamic industrial world — than there is any hope of realizing while foreigners are excluded from our markets even when prices are there extortionate. Prices will be extortionate so long as the trusts are checked only by local rivals and are allowed to club these rivals into submissiveness and then hold the field in security. Keeping the foreigner away by competing fairly with him is what we should desire; but barring him forcibly out, even when prices mount to extravagant levels, helps to fasten on this country the various evils which are included under the ill-omened term, monopoly; and among the worst of these evils are a weakening of dynamic energy and a reduction of progress.

JOHN BATES CLARK.

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MUNICIPAL ACCOUNTS.

A First Step Toward Municipal Reform.

IT is a matter of common knowledge that in the administration of cities there has been much waste of revenue and of resources. It is frequently inferred that public officials have been faithless. If, however, we attempt to establish the truth of this inference, we encounter a serious difficulty: we are unable to determine at what points loss has occurred and to fix the responsibility. As a result of this condition of affairs, neither officer nor taxpayer is able to apply a remedy to prevent extravagance in the use of public funds or to insure fidelity of service. In such circumstances many of our most intelligent and public spirited citizens, after a few spasmodic efforts at reform, have resigned municipal politics to fate, while others, still struggling in the dark, are seeking a method by which intelligent direction may be given to public affairs. Intelligent direction, however, requires light — the light that may be shed by a better devised system of public accounts.

With the enlarged scope of private business, accounting has risen to the plane of professional service, the purpose of which is to devise methods of assembling the data of an enterprise in such manner as to give the best basis for administrative judgment. Without a system of accounts, successful management of even our smaller concerns would be impossible. Many a bankrupt may trace his downfall to the ignorance which comes from failure to provide a means of enlightened control.

A city carries on business of large proportions — a business so complex in its organization that without a complete system of accounts it is almost impossible for officers to perform their duties with intelligence. It is highly creditable to American public officials that in the absence of systematic accounts, and without the knowledge that might be gained through permanent tenure of office, public affairs have on the whole been even tolerably administered.

It may be assumed as self-evident that for an intelligent under-

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standing of the affairs of a municipality the public corporation should be recognized as acting in two distinct capacities: as a proprietor and as a trustee for the administration of institutions privately endowed for public ends. In each of these two relations there should be a separate and distinct financial record and account. Moreover, it is clear that in both relations, it is of primary importance that the data presented should throw light, first upon the economy and efficiency of administration, and secondly, upon the fidelity of the officials in their administration of public properties.

Scientific methods of accounting were first evolved in private enterprise. For this, exact knowledge and sound judgment were necessary to survival. In private enterprise, some method which would guard the fidelity or faithful accounting for assets and liabilities and which would insure the strictest economy was prerequisite. As government and the control of public corporations became more popular, and as the commercial and industrial classes gained and exercised a dominant influence in public affairs, rules of private thrift were gradually translated into principles of public administration. With the growth of a demand for clear statement of the doings of officers and corporate trustees, the methods of financial analysis evolved and employed in private business have been to some extent applied to municipal affairs.

In the development of the methods of accountancy there have been four distinct steps. (1) In small enterprises in which every transaction came under the direct oversight of the proprietor, the records were incomplete and unsystematic. (2) As enterprises became more complex, it became necessary to entrust certain portions of the business to agents and representatives, and to resort to a form of partial or incomplete accounts, giving a statement pertaining to properties and liabilities or to relations of business fidelity. Examples of this kind of accounting are found in institutions which keep nothing but a cash book. Such a system continues to be used in some small private businesses, and it is the system in vogue in nearly all of our American cities. It is also the present method of the British imperial government as well as of our own state and federal governments. This is what may be termed an incomplete method of single entry accounts.

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(3) A still higher development in private business has produced what we may term a complete single entry system: a system of record in which all the data of financial transactions are first collected in memorandum form and then coördinated in statements of final account, but still a system in which the accounts have to do with categories of proprietorship and official trust only. By such a method a strict account may be had of assets and a statement may be made of liabilities outstanding. This method is well adapted to holding officers and agents to strict account, but it contains no principle and involves no classification of items which will give information with respect to any relation of administrative economy. (4) The need for statements which would reflect the various transactions and state them in summaries of expense and financial return, so as to make clear the relation of cost to amount of service rendered, and thus determine the efficiency and intelligence of management, led to the introduction in private business of what is known as the double entry system of accounts. This method or system has two distinct categories: those of proprietorship and official trust, or asset and liability, and those of economy of administration, or expense incurred and income accrued. In the first application of such a system to public accounts, however, the records are necessarily incomplete. Omissions are made of certain transactions and financial relations, and it may take years of experience before these are given their proper place. Numerous examples may be given of such omissions. The more important are: failure to set up reserves against current revenues where for good reason a current expenditure may not be made; failure to account for depreciation; failure to record accruals of interest; failure to record accruals of expense of administration on uncompleted contracts; and failure to set up judgments against the city as a part of current expenses. The final development of this method of accounting is a complete double entry system, *i.e.* a method or system of collecting all of the financial data pertaining to the business and of classifying this under categories (*a*) of economy, and (*b*) of proprietorship and official trust.

The first marked advances toward modern public accounting were made in response to the need for publicity and for reliable summaries and statements of the financial condition of semi-

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public enterprises. The abuses which had grown out of railway speculation in England in the fourth and fifth decades of the last century and the failures that resulted from the absence of strict financial control, were the reasons for the enactment of the Companies' Clauses Consolidation Act. (8 Vict. c. xix.) Under the provisions of this act auditors were to be appointed by the stockholders of the corporations at their regular meeting, and these auditors were empowered to employ accountants to assist them in making reports, or in framing such reports prepared by the officers themselves, for the information of the stockholders. The reports of the auditors were to include certificates as to the correctness of the balance sheets. They were also to give a "distinct view of the profit and loss which shall have arisen in the transactions of the company in the course of the preceding half year." It was further provided that no dividends should be declared except out of profits, and that dividends should never be apportioned to stockholders when this would impair capital resources.

Statutory provisions requiring the appointment of auditors, either by the stockholders of companies at their regular meetings or by the Board of Trade, were gradually extended to include public gas works, public water works, commercial banking companies, savings banks, university and college estates, judicial trustees, county officers, *etc.* In the movement toward political reform a local government board was finally created in 1871, which imposed upon all county councils, municipal corporations and town councils (except those of large cities) audits of accounts and reports to the government of financial operation as well as of financial condition of local governing bodies. The same spirit of reform and the same necessity for providing a system which would furnish exact and detailed information in summaries of resources as a means of aiding administrative direction and control, induced the large municipalities to employ professional accountants to install improved systems of financial records and to audit their accounts periodically.

Theretofore the accounts had been little more than cash book entries of treasury statements. Reform movements had been directed toward holding the officers of the government to strict ac-

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count in the handling of public funds, but no attempt had been made to obtain results which bore on questions of administrative economy. Private business of very much smaller proportions had been forced over to the double entry system as a means of self-preservation; in the case of the public corporation, however, the rule of survival did not apply, as the government could not be allowed to die whatever might be the cost of carrying it on. Better municipal accounting came as a result of a popular demand for administrative reforms which would give the desired service at a lower cost. When taxation became oppressive and it was found that public officials could not give an account of the cost of administration, when functions of municipal government had multiplied and municipal activities had grown too complex to allow of an intelligent grasp of detail by those in control, the futility of the cash book system became apparent.

From the best records that could be made of the flow of cash, and from the best summaries deducible from such records, no notion could be had of the real problems of administration. What the officer ought to know, and what the tax payer was primarily interested in as a matter of strict economy, was the current cost of government and the current revenue available to meet this cost. As a means of knowing existing financial conditions it was also necessary to have a complete accounting for the various properties belonging to the city and a complete statement of municipal obligations. Such information could be obtained from a current record of receipts and disbursements.

In America less progress has been made. Here accounting remained undeveloped long after it had been established upon a basis of scientific classification abroad. This was largely due to the lateness of our national development. Until the middle of the nineteenth century America was primarily an agricultural community, and the farmer needed no account other than a simple statement of receipts and payments together with a memorandum of credit obligation. Before 1830 the bank was the only enterprise of large capital and its transactions were treated as cash. As late as 1850 the transportation company was the only concern whose volume of business and breadth of organization demanded modern methods, or a complete double entry system of accounts.

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After the Civil War, however, industrial and commercial enterprise assumed a prominent place in our national life. The current of population set more strongly to the cities, and a process of centralization was begun similar to that which occurred in Great Britain nearly a century before. In 1890 about one-half of our population was urban, and in 1900, in the most highly industrial portion, the North Atlantic states, only 31.8 per cent of the population remained in rural employment.

The sudden development of cities, the hopeless chaos in municipal administration, the known dishonesty of some of our public officers, and the abortive attempts by honest and conscientious officials to locate responsibility as well as to protect themselves against the suspicion of corruption which the public had come to entertain toward all those connected with local government, have, within the last two decades, resulted in a universal demand for municipal reform, which has brought the combined intelligence of honest citizenship to the solution of the problem.

The first forward steps were in the nature of constitutional and legal reforms. By this method it was hoped so to hedge in the officers of government with restrictions, checks and balances, as to make it most difficult for them to go wrong. Such was the first reaction against official infidelity. In the United States, as in England and in continental Europe, attention was first called to attacks on the public treasury and to the subversion of public funds to private use. The first movement toward reform was the creation of an independent treasury official; and the first method introduced to detect fiscal abuses was the installation of a complete system of record of treasury transactions and the publication of detailed treasury reports. These constitutional and legal changes were, however, negative in character and tended only to weaken official capacity and still further to confuse official intelligence, while the method of accounting in vogue served only as a protection against fraudulent inroads on the treasury.

The need for a system of complete accounting in American municipalities as a prerequisite to municipal reform has in recent years been urged by many who have had to grapple with the administrative problems of large cities, and their efforts have not been without result. It is coming to be understood that we need, not

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constitutional and legal restrictions placed on official conduct, but measures which will provide for greater efficiency, and which will secure a better understanding of municipal activity and its results. The most important of these measures are those which aim to provide a more enlightened system of official records and reports. The city of Boston, for example, under a revised ordinance of 1898, empowered the city auditor, with the approval of the mayor, to designate expert accountants to examine the books and accounts periodically. The object of this ordinance was to obtain a critical review, and it resulted in a more intelligent report, but the installation of a new system of control was not attempted. In 1900 the state of Missouri appointed a special commission for much the same purpose. A number of states have inaugurated movements to create permanent boards or officers of central control over municipalities and local government bodies, with powers similar to those enjoyed by the local government board of Great Britain. The state of Ohio, for example, has recently enacted a complete municipal code, which applies to the principal cities and towns of the state and gives them uniformity of administrative organization; and in addition to this the state has organized, under the state auditor, a bureau of uniform accounting, with power to prescribe forms and systems and to compel their adoption by all municipalities. Other states, as Wyoming, have introduced uniformity in accounts for county and town organizations.

Within the last five years some of the American cities, recognizing the helplessness of their administrative condition under their antiquated and unintelligible systems of record, have taken the steps necessary to install double entry systems of account. The first to do this was the city of Chicago, by a measure which went into effect in 1902. The example of Chicago has been followed by Houston, Oklahoma City and Minneapolis; and the city of Rochester is now considering the installation of a complete system. Generally speaking, however, American municipalities and local government bodies still attempt to work out their administrative problems from the cash book, and even in states where the law requires a statement of "revenue and expense," attempts are made to reach this result through subsidiary schedules, making the treasury statement of receipts and dis-

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bursements the principal feature of account and report. Such a method never has reached and never can reach the main problems toward which municipal reform is directed. The purpose of accounts is to furnish the information necessary to intelligent administration; and to do this the accounts must be organized and classified in such a way as to reflect administrative problems. The cash book or treasury statement cannot serve this purpose.

Few municipal accounting officers have yet risen to the dignity of professional accountants. Most of them are in temporary political positions and have received their places as a reward for partisan service. If we judge from the results of their work, the conclusion is inevitable that few of them have such a knowledge of the principles and methods necessary to a complete double entry municipal accounting that they appreciate the futility of the cash book system. Even in cities like New York and Boston, the cash book is still retained as a central feature of account and report. The published statements of those cities show little else than the flow of cash as it is exhibited in summaries of receipts and disbursements. The additional information given bears on relations of fidelity and proprietorship; little or no information is furnished that can guide administrative control. It is still assumed that the chief aim of municipal accounts and reports is to show whether fiscal agents have gone wrong. Neither the municipal officers nor the taxpayers have any means of determining current expenses incurred or revenue accrued. There is no intelligible basis for appropriations; no means of ascertaining revenue surplus or revenue deficit, as distinct from cash balance; no logical basis for budgetary estimates from which a rate of taxation may be determined.

The obstacles in the way of the introduction of better systems of municipal account are many. In the first place, a clear appreciation of the need is not general even among the most enlightened citizens, nor, for that matter, among political scientists. Many still cling to the primitive method of control, restricted political power, failing to recognize the advantages of centralized official direction and of better equipment for intelligent and effective administration. The underlying principle in a government of divided executive powers is to insure fidelity by pitting one officer or department against another. This method assumes

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that the chief aim of reform is to prevent fraud and autocracy; and the method was well adapted to earlier political and social conditions. The problem of to-day, however, is one of increased administrative efficiency. Increased efficiency in administration cannot come from a policy of negation; it must be associated with more highly centralized and responsible control, and such control becomes effective only when intelligible records are at hand to guide the exercise of official discretion.

Another obstacle to reform is found in what we may call institutional inertia or custom. What habit is to the individual, custom is to a society living under popular government. When a society has become accustomed to certain institutions and modes of action, it is reluctant to change them, and as a rule it will do so only when they have become so disadvantageous as to be practically unbearable.

A third, and perhaps one of the most potent deterring factors, is the cost of installation of an adequate system of accounts. A city in its business organization is much like a large industrial plant. Corresponding with its different but allied functions are organized departments of public service. Each department is necessary to the successful operation of the government; each requires highly specialized equipment and a complete record of departmental transactions as a means of intelligent supervision; but all must be molded into a general centralized system before the chief executive can obtain a proper view of administrative results and effectively execute official functions. Operating under the older theory of division of powers, many of the departments have, in the past, acted independently; and acting in this manner they have organized their work and have evolved systems of records peculiarly their own. Some have kept nothing but memoranda of transactions, others have reduced the memoranda kept to classified statement for their own information. Few of the cities, however, have what may be called a unified system of central accounts, and the departments themselves are opposed to unification.

In such circumstances the devising and installation of a system of accounts requires the best professional service. An accountant, independent of all departmental traditions and official influence, with a training broad enough to grasp the administrative prob-

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lems which confront the city, must make a complete study of every condition and detail of the service which is to be brought under the control of a single executive head; he must also know the powers and duties of allied governing bodies. The cost of devising a system of control which will at the same time enforce fidelity of service, make possible the strictest economy, and facilitate departmental operations, is not inconsiderable. But the cost of devising a new system of accounts is not the most expensive part of the work. Before the city can avail itself of a system devised, it must be installed and supervised. Such past records as may have been kept, must be closed and the financial results transposed into the new system. In so far as the old system has failed to account for properties and financial obligations, these must be set up, after which those devising and installing the accounts must train the clerical staff employed by the city in the use of the new device. For professional service of this character the taxpayers are usually unwilling to pay.

It is not an uncommon thing for a private corporation to pay large sums for the examination and improvement of a system already in use — a system which is usually far superior even in its unimproved state to those employed by municipalities. This is considered a good business investment, made in the interest of permanent economy and higher working efficiency. In any large concern, public or private, a considerable part of the general expense of operation is in the clerical service necessary to the keeping of records of transactions and classifying and summarizing them. A manufacturing concern will pay more for an improved cost-keeping system alone, than the largest of our municipalities is willing to expend for an entire modern accounting plant. A municipality may have a business many times larger than a private concern and be almost entirely without books of general account which will show administrative relations; yet the municipal officer, fearing popular disapproval, is not willing to incur even a small portion of the expense which a private concern is ready to incur in order to secure administrative records and results.

The benefits of an improved system of account are largely to be found in the future. Yet it is a significant fact, that, so far as accounting reforms have been introduced, the cities installing them

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have thereby saved in a single year more than their entire cost. It is also significant that in each case where complete systems of account have been installed, those who have undertaken the professional work have done it at a loss. Under these conditions, there is no immediate prospect of any very radical reforms. Our citizens must first be forced out of their customary habits of thought. It must be recognized that efficiency in public administration is dependent upon the same conditions upon which success in private corporate business is already known to depend.

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THE CLEVELAND PLAN OF SCHOOL ADMINISTRATION.

THE efficiency of public school administration in our states has by no means kept pace with the growth of our country. The board plan, as it was developed in New England villages, has spread to all the states, and has quite universally remained in its primitive form, little effort being put forth to modify and adapt it to the complex needs of the constantly growing populations in our great cities.

The usual city board is composed of one or more members elected from each ward. There is rarely a business director, and the superintendent of instruction has practically no power except to recommend. The board is large and clumsy; there is no centralization of energy, no fixed responsibility; all the work is carried on by committees. Under such conditions, coördination and system are impossible. Political exigencies rather than the needs of the schools are emphasized in the choice of candidates for board membership. Each member looks upon himself as a representative of his particular constituency, and is willing to log-roll and intrigue for the sole benefit of his own ward. Political motives are allowed to dictate the choice of teachers. What is a fairly good method of administration in a village, where public scrutiny is severe, utterly fails in a city where the great public is less vigilant. The ultra-democratic sentiment which frowns upon appointive offices and the holding of offices for long terms, and which does not desire the centralization of responsibility, has wrought much harm in our school administration.

The problem of school administration is dual in its nature. There is first the purely business side, the levying and gathering of taxes, the erection and maintenance of buildings, the making of the budget and providing for all the details of expenditure. As the public pays the taxes it is commensurately interested in their distribution, and should have a voice in the choice of the officers who determine the investment of these funds. On the other hand, board responsibility is too lax for efficient financial

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administration. One man should be held responsible for the financial management. The problem is to combine the two elements of public control and centralization of power.

There is, secondly, the professional or educational side. This is of peculiar importance, for it includes the training of the future citizen. Here certainly extraneous influences should be minimized and purely professional control established. But here also the public is interested, for the development of the child-mind is of the greatest public concern. So here also the problem is to combine social control with responsible professional administration.

This desirable union of popular control and professional efficiency is not and apparently cannot be secured under the ordinary board plan. I recall an experience of flagrant political interference with the efficient work of the schools in a city of 50,000 inhabitants, which illustrates the vital weakness of the usual board control. A teacher had been discharged by the superintendent because of inefficiency. The discharged teacher was a relative of one of the union labor leaders of the place, who at once commenced systematic agitation. One of the two great parties nominated members for the board who were pledged, if elected, to oust the superintendent. The entire labor vote was enlisted in this cause, and only the polling of a heavy vote by the women saved the schools from the disgrace of purely political control of the professional force. This instance is not exceptional. Every city has had some experience of political interference, not merely with the purely business affairs of the school administration, but also with the appointment of teachers. The great problem of public school administration is to take the schools out of politics and still maintain popular control. To accomplish this end there has been in recent years quite a general movement in the largest cities to reduce the size of the board and either elect it at large, or allow the mayor to appoint it. This movement has received the almost unanimous approval of educators.[1]

[1] Sixty-seventh Annual Report of Cleveland Board of Education, p. 21. Proceedings of the National Educational Association, 1894, p. 707; 1896, p. 974; 1897, p. 988; 1900, p. 633. *Educational Review*, June, 1900, vol. xx, pp. 61 *et seq.*

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The experience of Ohio and particularly of its metropolis, Cleveland, sheds some light upon the difficulties of this problem and the method of solving it.

The only plan for a state system of education, coördinate and uniform, that ever was framed into law in Ohio, was the plan evolved by the first state superintendent of schools in 1837.[1] After two years of successful operation, the plan was abandoned by the legislature, because it gave too much power to the superintendent and tended to focalize responsibility. Since that day the development of school administration in the state has been haphazard, like the straggling growth of a country town. There has been no county supervision, practically no state supervision, and no concerted plan for city supervision. Every county has remained an isolated unit. The larger cities have evolved their own plan of control, largely based upon political bias. Every county and every city has its own examining board for teachers, and these have absolutely no relation one to the other. It frequently happens that a candidate for a teacher's certificate who has failed to pass the examination in one place passes it in the neighboring county.

While the district has always been the unit of school administration in Ohio, there has been no scientific attempt to coördinate the various districts. On the contrary the most confusing complexity has arisen, largely because of the practice of resorting to special legislation. As early as 1851 there were one thousand more districts in Ohio than in New York, though the latter state was older and larger both in area and population.[2] In 1890 the legislature attempted to create, out of the maze of school legislation, a classification of districts. The result was as follows:

1. City districts. (*a*) First class, first grade: Cincinnati. (*b*) First class, second grade: Cleveland. (*c*) First class, third grade: Toledo. (*d*) First class. (*e*) Second class. 2. Village districts. 3. Special districts. 4. Township districts. 5. Sub-districts.[3]

The absurdity of such a grouping of school authorities is more evident when it is remembered that these districts overlapped

[1] 35 Ohio Laws, 82.

[2] Twenty-fifth Annual Report, State Commissioner of Schools, p. 53.

[3] 95 Ohio Laws, 115.

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each other; that the authorities of the overlapping districts often clashed; that there were no guiding and coördinating forces above them except the voluntary associations of teachers; that each variety of district, and usually each special district, had its own form of school administration; and that there was little attempt, in all this mass of special legislation, to adapt the size of the district to the needs of the locality.

In June, 1902, the state supreme court declared every municipal government in the state unconstitutional,[1] on the ground that special legislation was prohibited by the constitution.[2] This overthrew the city school districts. In a subsequent decision, the court held that the creation of school districts by special legislation was unconstitutional.[3] This last decision cut the roots of the whole adventitious and amorphous growth.

With such a multiplicity of administrative units, the management of school affairs was inevitably loose and clumsy. The boards, moreover, were so large as to be unwieldy. In 1836 there were 38,740 school officers in the state, a fair proportion of the entire population.[4] This number was greatly diminished through the legislation recommended by the first state superintendent of schools. Still the number of school officers was inordinately large; in some rural districts, indeed, there were often as many officers as there were pupils. In some counties the authority of the township district officers clashed with the authority of the local or sub-district officers. The resulting contentions were not conducive to the betterment of school administration.[5]

This chaotic condition of the schools of a great state is not so much the result of misguidance as of non-guidance. Neglect is the sin of which the legislature has been guilty, in dealing with

[1] State *ex rel.* Kinsley *et al. v.* Jones, and State *ex rel.* Attorney-General *v.* Beacom, 66 Ohio St. 453, 491.

[2] Art. xiii, secs. 1 and 6; art. ii, sec. 26.

[3] State *ex rel.* Wirsch *v.* Spellmire, 67 Ohio St. 77. In this case a special school district had been created from portions of two counties and four townships. The court held that "the subject matter of schools, including school districts and establishing and changing the same, is of a 'general nature,'" and that laws regulating this matter must therefore be of uniform operation throughout the state.

[4] First Report, State Superintendent of Schools.

[5] Fifty-fourth Report, State School Commissioners, p. 34.

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the school problem. In 1844 the secretary of state, who was also styled the state superintendent of schools, and who, in this capacity, possessed but one power, *viz.* that of gathering educational statistics, said of the schools: "No other interest of the state has been so fearfully neglected, and any other visited with such chilling indifference would have hopelessly perished." [1] Subsequent state commissioners of education perceived and stated the result of Ohio's neglect:

> Other states have gone on improving and perfecting their school system while Ohio . . . has seemed almost to stand still. In essentials she has done nothing in the way of legislation within the last thirty-five years.
>
> The weakness of the Ohio school system lies in the lack of system and superintendence.
>
> Ohio can never have a school system commensurate with her greatness as a state, until she has placed her country schools under intelligent supervision.[2]

Ohio is one of the five or six states of the union which do not maintain a state normal school. Until 1902, when normal departments were created in two of the state universities, no special instruction for teachers was provided. The lack of trained teachers is reflected in the inefficiency of the schools.

It is surprising that under such conditions there could be developed in Ohio a plan of board government that has been pronounced a model by experts in administration and by our leading educators.

Cleveland was settled by New Englanders, who carried with them into the forests of the Western Reserve that high esteem, almost reverence, for the public school that has been so marked a trait of the New England colonists. The first high school west of the Alleghanies was established in this city. Cleveland's schools have always been superior to those in other parts of the state. This superiority, however, was not due to any particular system of board control; it was the result of an alert and en-

[1] Executive Documents, 1844, No. 31.

[2] Thirty-fifth Report, State School Commissioners, p. 17; Thirty-first Report, p. 5; Thirty-ninth Report, p. 17.

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lightened public opinion. As the city grew and the great foreign influx changed its political complexion, interference of the political manipulator in the election of board members became, as elsewhere, the rule. In 1890 Cleveland asked for and obtained a new form of municipal government, modeled strictly on the federal plan. This worked so well that two years later a committee of citizens framed a school code along the same lines and asked the legislature to enact it into law. This was done. It marked a new departure in the administration of city schools.

The law[1] is brief and very simple. School control is divided into three branches, legislative, executive and professional. The board of education consists of the council and a director. The purely legislative work devolves upon the council. This is composed of seven members elected at large for two years. The council elects a president and a clerk, the latter receiving a salary of $2,000 a year. All matters affecting expenditure come before the council, excepting that the director can make contracts for less than $250 without the concurrence of the council. All other purely legislative powers are vested in the council. The director is the executive officer, and herein lies the novelty and a large part of the efficiency of the plan. He is elected for two years, by popular vote. He receives a salary of $5,000 a year and must give bond for $25,000. With the approval of the council, he appoints the superintendent of instruction. He has charge of the execution of all contracts, supervises the erection of buildings, furnishes supplies, sees that the schools are provided with the necessary apparatus, and appoints all the employees of the board except the teachers. He has a veto upon all resolutions passed by the council pertaining to any expenditure of money, to the approval of contracts, to the purchase or sale of property, to the levying of taxes or to the adoption of new text books. The council can pass such resolutions over his veto, but only by a four-fifths vote. Furthermore, the director can at any time remove the superintendent of instruction for "sufficient cause." "But the order for such removal shall be in writing, specifying the cause therefor, and shall be entered upon the records of his office; and he shall forthwith report the same to the council, together

[1] 89 Ohio Laws, 74.

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with reasons therefor." The wide powers granted to this officer reduce the powers of the council to a minimum. He is much more than a mere business agent of the board, he is truly the director. The large majority necessary to override his veto is practically unattainable in ordinary routine matters; and even in the letting of large contracts and the conducting of great expenditures his power is practically sole.

By a proceeding in probate court, the director and any member of the council may be impeached by any elector.

The educational work is under the control of a superintendent of instruction, who is appointed by the director, and the law contemplates that he shall "remain in office during good behavior." He has the power to appoint and discharge all teachers. He practically arranges the course of study, and has supreme control of the purely educational side of the school administration. The only limitations upon his authority are the power of the council to determine the number of teachers and the power of the director to depose him for cause. He must attend the meetings of the council when his presence is requested, but he has no vote in that body.

Under this system the government of the schools is practically independent of the city government. It is a separate administrative organization. The only point of contact with the city government is in some of the minor details of finance, and even in these the school board is independent of the city council. They are coördinate bodies, and are alike subject to the supervisory powers of the board of tax commissioners.

This board consists of four electors appointed by the mayor for a term of four years. The mayor is to select persons "well known for their intelligence and integrity;" and not more than two are to belong to the same political party. They receive no pay. To this commission are submitted all tax levies made either by the city council or the school board. It may approve or reject any part of the levies, but it cannot increase them. Its action is final in regard to the levies made by the school board, but the city council can by a three-fourths majority override its action in matters pertaining to the general levy.[1]

[1] Ohio Municipal Code, §§ 24 and 46.

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Subject to the control of this revising commission, the school board has the general power to levy taxes and to legislate concerning financial matters. The law imposes upon it only the following limitations: the levy must not exceed seven mills; no contract shall be entered into or expenditure voted unless the auditor has first certified that the money is in the treasury;[1] and no appropriations are to be made for a longer period than one year. Within the board itself, as has already been stated, the director has the power to veto any financial resolution.

The treasurer of the city is the custodian of the school funds, and the auditor of the city is the auditor of the board. The law details, in the customary way, the method of drawing the funds. The auditor reports annually to the director, and this report is examined by a committee of three composed of the corporation counsel and two "suitable persons" appointed by the court of common pleas. This committee has the power to subpœna witnesses, and is supposed to go into great detail in its investigations. Each member receives five dollars per day for the time thus employed.[2] There is also a sinking fund commission appointed by the board of education, which has control of the fund accumulating to meet the bonded obligations of the school board.

This arrangement assures autonomy in school finance without sacrificing proper supervision over the levying of taxes. It is important to note that this supervision is not exercised by the city council or any executive department of the city government, but by independent authorities. The school administration is not responsible to a city department, but to the people.

To recapitulate: the Cleveland plan reduces the board to seven members, elected at large, and reduces the powers of the board to the lowest terms; it centralizes the business responsibility of school administration in one officer elected by the people and not responsible to the city government; it protects the teaching force against political influences by giving to the superintendent entire control of the educational work. How has the plan worked during the twelve years since its inception?

First, as to the business management. This has been generally satisfactory, and has commended itself after thorough and

[1] Ohio Revised Statutes, § 3899, 19.

[2] *Ibid.*, § 3899, 16.

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impartial investigations, to the conservative business interests represented by the local chamber of commerce. The only shadow cast over the office of director, and over the business appointments made by the director, was due to a political interloper, who really had the welfare of the schools at heart but had neither the ability to see the educational needs of the community nor the good judgment necessary for a successful business administration. He was tolerated in office by the voters for one term only. With this exception the directors have been men of marked ability, who had been very successful in their private pursuits. And the tendency is to keep a good director in office. There have been only three elected during this period. The first one was reëlected three times and the present incumbent is serving his second term.

There have been no scandals connected with the financial administration of the schools. And this is perhaps as good evidence as can be secured of the cleanness of the business management. For what other city of 400,000 inhabitants has made twelve years of school history without some scandal of misappropriated funds?

The material equipment provided by the director is adequate and modern. The city maintains a normal school, a school for deaf children, five high schools, six manual training schools, and seventy-eight elementary schools.[1] These schools, during the past year, were conducted by 1,484 teachers and were attended by 62,874 pupils.[2] The total disbursements from the director's office were $2,508,698.81;[3] of this amount $1,731,427.81 were for operating expenses.[4] A competent architect is employed as superintendent of buildings, and the excellent condition of all the school buildings bears testimony to the thoroughness and conscientiousness with which he does his work. This architect also prepares all plans for new buildings, and supervises their construction. He receives a salary, and by this arrangement much of the wrangling that usually attends the erection of public buildings is avoided.

It is a common complaint in our large cities that school facilities

[1] Hand Book of Board of Education, 1904, pp. 50–54.
[2] Sixty-seventh Annual Report, Cleveland Board of Education, p. 87.
[3] *Ibid.*, p. 118. [4] *Ibid.*, p. 191.

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are inadequate, and at the opening of every school year there are hundreds of unhoused school children. This complaint is not common in Cleveland. While it has been necessary sometimes to procure temporary quarters, the directors have, on the whole, provided adequate room for all. And this in the face of the fact that the population of the city has increased by more than thirty-five per cent in the past ten years. On the whole I think it can be asserted that the business administration has been both honest and effective, capable men being attracted to the office by the substantial salary and wide powers accorded to them.

Nor has the school board abused its power in the levying of taxes. Only once has there been a serious clash with the board of tax commissioners. The committee appointed to examine the auditor's report last year, after an unusually rigorous investigation, said:

> Our investigations warrant us in saying that the present business management of the schools has been careful and economical. There are evidences on every hand that attention has been paid to the details of contract and purchases in such a way that the money expended by the board and in its behalf has been providently and carefully protected and expended.[1]

Secondly, as to the efficacy of the educational work. In this department the importance of wise supervision is paramount. The city has been fortunate in its selection of superintendents. There have been three of these during the past twelve years, all of them eminent in educational circles. Two of the superintendents resigned to accept college presidencies; and the present superintendent, who has held the office for four years, has been connected with the Cleveland schools for many years. A wise and energetic superintendent, with the power of choosing and directing his own force of teachers, is almost certain to create a model school system.

A board of supervisors, appointed by the superintendent, passes upon the qualifications of all the teachers. There are very few removals, such care having been exercised in the appointment of the teachers that their tenure is practically permanent. That the teachers themselves feel this was shown some years ago, when a

[1] *Ibid.*, p. 200.

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plan was prepared, contemplating a permanent tenure with a pension after a given length of service. The teachers, by a very large majority, rejected the plan, preferring the present arrangement, wherein promotion depends upon ability rather than length of service.

In the autumn of 1903, when an agitation began for the extension of the Cleveland plan over the entire state, the teachers of Cleveland were asked to give in writing their opinion of the present plan. The superintendent addressed a letter to every teacher, requesting a perfectly frank expression of opinion and stating that the individual replies would in no case be made public. Over ninety-five per cent of the teachers expressed, in strongest terms, their preference for the present plan of professional control. This feeling of confidence and security is no small factor in the success of the teacher's work.

The present superintendent adds his own testimony:

> Under this law and with this organization, the schools have prospered beyond the most sanguine expectations of their friends. The supervisors, principals and teachers at once felt a security in their positions never before realized. They had a sense of freedom in their work that inspired them to high endeavor. Their best efforts were toward self-improvement, a broader culture, and a larger knowledge of the things pertaining to their profession. The results of these efforts have placed the schools upon a higher plane and given the pupils a wider view educationally. All connected with the educational department believe thoroughly in the federal plan and that it is an advanced step in school organization. The law has proved so good a thing for the Cleveland schools that we would like to have it extended to the public schools of all the cities of the state.[1]

Thirdly, has the public interest in the schools been maintained? Advocates of the large board assert that public interest in the schools increases in proportion to the size of the board. Cleveland's experience does not verify this conclusion. At no time has public interest been more keen and wholesome than at present. Every change in the policy of the director or superintendent is followed with intelligent interest. The members of the council

[1] Sixty-seventh Annual Report, Cleveland Board of Education, p. 26.

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are elected at large, and are thus the representatives of no one section or class, but of the entire city. On the only occasion when political animosity threatened the well-being of the schools, the voters came magnificently to the rescue, casting aside all party affiliations and rebuking the narrow and baneful policy of an unwise official. The wonderful uprising of the citizens during the past winter, when it was reported that the governor had given his sanction to a measure that would foist a large board upon the city, in obedience to the commands of a political boss from another city, gave striking evidence of the interest which the public takes in the welfare of its schools.

I do not think that the size of the board has anything to do with the degree of public interest in the schools. Even under an appointed board such interest is maintained in San Francisco and in some other cities. The schools touch intimately the home life of the community, and it is through this living contact that universal interest in the conduct of the schools is created and maintained.

Finally, does the Cleveland plan keep politics out of the schools? Of course the director and council are elected, usually, through the regular party machinery. Each party has its candidates; they seek votes, they make promises, they labor for the welfare of the ticket. This competition of the parties is in itself a considerable safeguard against the nominating of an unfit man when the parties are of about equal strength. The only avenue open to the politician, by way of which he can molest the teacher, is through the director's power to dismiss the superintendent of instruction. This power is well guarded against abuse. Only once in the twelve years during which the plan has been in operation, has any one been audacious enough to attempt to abuse it. The details of this attempt illustrate the safety of the plan and the outcome reveals the sensitiveness of the public conscience.

As I mentioned above, the first director held office for eight years. His administration was able and above suspicion. His party failed to give him another nomination, and in his stead it designated a candidate who, as soon as his name was placed upon the ticket, waged his campaign with the understanding that, if elected, he would remove the superintendent of instruction. This

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called forth such universal condemnation that he was compelled to deny that such was his intention. This he did in a very equivocal statement, which however proved sufficient, for he was elected. In spite of his ante-election statement, the new director removed the superintendent, on the surprising ground of "incompetency, inefficiency, neglect of duty and misconduct." Charges were sent to the president of the council, but not to the superintendent. On the same day that this news was given to the public, the director appointed a new superintendent. This appointment was to be reported to the board for ratification on the very evening of that day. This hasty action startled the people, and public indignation was intense. A number of members of the board were persuaded to remain away from the meeting, thus preventing a quorum, and making it impossible to ratify the action of the director in appointing a new superintendent. Meanwhile a temporary restraining order was secured, enjoining the director from removing the superintendent, and ordering him to send the superintendent a copy of the charges and grant him a hearing. The director now sought legal advice from the corporation counsel, who was also the legal adviser of the school board. The advice was adverse to the action of the director, and was based on a decision of the state supreme court, which held that "sufficient cause" means a hearing, and that the power to remove under the given legal restrictions "cannot be exercised arbitrarily, but only upon complaint and after a hearing had, in which the officer is afforded opportunity to refute the case made against him."[1] The corporation counsel at the same time refused to act for the director in the injunction proceedings. The director's private counsel helped him out by finding a technical flaw in the petition.

The whole city was aroused by this unwarranted interference with the teaching force. The Republican press, which had advocated the director's election, was as determined in its denunciation as the Democratic press. All thinking citizens protested. All manner of professional and business organizations protested. The avalanche of condemnation frightened the offending director, and he wrote to the superintendent "revoking, cancelling and

[1] State *ex rel.* Meader *et al. v.* Sullivan, 58 Ohio St. 504.

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annulling" his order of removal, and withdrew the charges which he had presented to the council. The following year the superintendent was elected president of one of our best state normal colleges, and the humiliated director went down to inglorious defeat.

Some political favoritism is perhaps shown in the appointment of janitors and other minor employees, but the range of political influence is not extensive. I find the universal opinion to be that the responsibility centered in the director has practically eliminated party politics from the business management of the schools. And the teacher is completely shielded against political influence. In no way has his security been invaded by party politics. It is the unanimous testimony of the superintendent, the director and the teachers themselves, that not in the remotest degree has the teaching force been subject to political manipulation. Merit is the basis of appointment and tenure.

In order to meet the situation created by the judicial decisions above noticed (p. 405), the Cleveland chamber of commerce caused a bill to be drafted, establishing the Cleveland plan in such general terms as to avoid the constitutional prohibition against special legislation. This bill was introduced into the state legislature at the last session. Few measures of general interest ever went to a legislature with more universal and intelligent backing. The state teachers' association, the schoolmasters' club, the state chamber of commerce, local business and professional bodies of all kinds and from all over the state endorsed the plan, after a careful examination of its working in Cleveland.

Two general objections were urged against the measure. One was purely political; it was brought forward by politicians who desired to use the large board as a feeder to the party maw. They denounced a small board as "un-American." Sundry schoolbook concerns were loud in echoing this sentiment. Their attitude reminds one of Dr. Johnson's hard saying: "Patriotism is the last refuge of a scoundrel."

The other objection came from the rural districts and small towns. They were unwilling to have directors imposed upon them, because the school business in their districts was not sufficiently extensive to warrant maintaining such officers.

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The former objection deserves only contempt. The latter might easily be met by allowing the local councils to determine the salary of the director.

The struggle for the enactment of the Cleveland plan began with the first week of the session, and ended only an hour before final adjournment, after several conference reports had been rejected, and after the criminating and recriminating speeches customary on such occasions had been delivered.

The new code is an unsatisfactory compromise. It provides a board of five members for all school districts of less than 50,000 inhabitants. In the larger districts, embracing the five large cities of the state, the size of the board may vary from seven to thirty-five; three to be elected at large and the rest from districts, which may vary in number from two to thirty. The present school board of each of these cities is to determine the size of the new board. This is a concession to both Cleveland and Cincinnati. The new board has supreme power over school administration. It may, at its option, appoint a director and grant him such powers as it sees fit. The superintendent is shorn of his authority; all his acts are subject to the approval of the board. He can be elected for no longer a term than five years, and his teachers can be appointed only with the approval of the board, and for a term of four years only. The financial powers of the board remain as at present.

Perhaps the enthusiasts for the centralized plan ought to feel satisfied with this compromise. It certainly is an advanced step for the rural and village districts. It is probable, however, that the new law will be declared unconstitutional, on the ground that it is not of "uniform operation throughout the state." In that case the legislature will again have an opportunity to develop a simple, efficient, centralized system of school administration, insuring definite responsibility as well as popular control, bringing the teaching force under purely professional direction, and placing the schools beyond the reach of the politicians.

S. P. ORTH.

CLEVELAND, OHIO.

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STREET LABOR AND JUVENILE DELINQUENCY.

A PROGRESSIVE civilization tends increasingly to subordinate immediate needs to future and greater ends. The adequate protection of children demands the same large spirit: a subordination of immediate earning capacity in the child to his future physical and mental growth. Experience abroad and in this country has stamped premature labor as not only cruel but conspicuously short-sighted, an injustice to the child and an economic waste for the community. A gradual recognition of this truth is reflected in the slowly increasing legal protection of working children, as state after state ranges itself on the side of a self-interest more clear-sighted as well as more righteous. Like other reforms this has been impeded by individual interests and retarded by inertia on the part of the public; and to scrutinize the existing laws in their variety is to realize what great gaps remain to be filled before legislation for child workers shall exhibit an enlightened uniformity.

Up to the present time certain essentials have been embodied in the best child-labor laws. A standard is gradually evolving in which the most important measures of protection are defined. These may be briefly stated as follows:

1. A child should not be allowed to work under a certain age.

2. A child should not be allowed to work if it is illiterate or physically defective.

3. A child should not be allowed to work longer than a specified number of hours in the day and in the week, and never at night.

4. A child should not be allowed to work at any trade injurious to health or morals, or where there is dangerous machinery.

In America legislation for the protection of children has hitherto developed along these lines. The most advanced states are every year securing higher age limits, shorter hours and other ameliorations; but many of the states still fall short of even the minimum standard. It is of course necessary to extend such restrictions; but there is also imperative need for new measures — such measures, to mention three examples, as have been adopted in Eng-

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land and on the Continent concerning home industries, the dangerous trades and the street trades.

Among the employments heretofore ignored by American legislators or but recently regulated are the so-called street trades. In the following pages the term is used to include the trades of the newsboy, the messenger boy and the child peddler. The three trades, thus classed under one head, differ widely, it is true, and no one protective measure applies to them all. Yet in so far as a life on the street is in greater or less degree their common characteristic, it is convenient to treat the three together.

The standing of these trades before the law has in the past varied in different states. Until the New York state legislature adopted, in 1903, a measure for the protection of the newsboy, this typical street worker was ignored in all the state laws which protect other child workers. The city of Boston alone had in 1898 adopted some ordinances in his behalf. The messengers have been cared for in some of the states by the same laws which deal with children working in shops. In New York the messengers were practically without the protection of any law before the legislation of 1903. The peddlers in New York and other states have been covered by some provisions of the Penal Code, but in New York the provision against peddling is inadequately drawn and fails to accomplish its object.

Before the legislation of 1903 the evils of the street trades in New York City, to which the following discussion is confined, had not been generally recognized. The investigation, however, which preceded that legislation brought out damaging evidence against these trades. The early ages of the street workers, the irregularities of their lives and the lawlessness of their environment were shown to be ruining a large proportion of the thousands engaged in such work. Street life, often defended as a school for sharpening the wits, was declared on the contrary to be chiefly a training for the reformatory. Some years ago, before the legislation for the street trades was enacted in England, similar testimony was there elicited. In a valuable parliamentary report on the earnings of school children (1901), the news trade is specifically designated "a hot-bed of vice and crime."

If this condemnation is deserved, if street workers tend to de-

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generate into petty criminals, the proof should be found in those places of restraint to which boys are committed who have fallen into the hands of the law. How many of the boys in a given reformatory, for example, were, as a matter of fact, once newsboys or messengers or peddlers? Is their number large enough to indicate that the trade they followed led to their fall? Have the street workers been committed to reformatories in greater numbers than workers at other trades? To what moral dangers did their respective employments subject them? It was to answer these and similar questions that a careful study was made of the antecedents of boys at two of our largest reformatories: the New York Juvenile Asylum and the Catholic Protectory.[1]

Those who have had occasion to investigate the condition of working children will appreciate the difficulty of getting correct figures or trustworthy statements of fact. The data herein used were obtained from the written statements of the boys; from a comparison of those statements with the records of the institutions in the case of the younger children — in the case of all boys of twelve years and below that age at the Juvenile Asylum, all boys of ten years and below that age at the Protectory; and from personal interviews with the boys — a source of information which proved more valuable than either of the others. The official records consist of a bald array of facts and were only of limited usefulness, serving to verify ages and other facts stated by the boys, but forming a meagre description of any individual. Fortunately the outlines of each case could be at least partly filled in by other means. The Juvenile Asylum visitor's personal acquaintance with many of the boys' homes enabled her to add illuminating facts regarding family conditions, the relation between parents and children and the need for the children's assistance. At the Protectory a valuable set of questions has been made out for the home investigation, covering the child's past and his home circumstances; but unfortunately this investigation has lapsed, owing to the death of the former investigator and to the fact that no suc-

[1] For the kind coöperation of the authorities of both institutions, thanks are due to Mr. C. D. Hilles, the superintendent, and Miss H. M. Hall, the visitor of the Juvenile Asylum; and to President Robinson and the Rev. Brother Henry of the Protectory.

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cessor has yet[1] been found. It is greatly to be hoped that this important inquiry will again be undertaken, and that employment in the street trades will be included under "previous occupation." If also the question as to previous employment shall be added to the inquiries addressed to all newcomers at the Juvenile Asylum, when their past is still fresh in their remembrance, a valuable body of information upon child labor run to crime will be gathered for future reference.

In the following pages, newsboys, messengers and peddlers are separately treated, and facts regarding boys of the same trade, whether confined at the Protectory or at the Juvenile Asylum, are brought together. The home conditions of boys in the Juvenile Asylum are more often noticed, thanks to the more abundant information collected at that institution.

The newsboys. — It is often triumphantly asserted, in defence of the news trade, that not a few men of prominence have first earned a livelihood on the streets. That newspaper selling does not regularly lead to success is, nevertheless, indicated by the fact that in two of our largest reformatories, to speak of no others, ex-newsboys make up a large proportion of those who were engaged in any occupation before commitment.

At the Juvenile Asylum, it was found upon investigation that 311 of the boys confined there had worked at various trades before commitment. Of this number, 125 or forty per cent had been newsboys. At the Protectory, five classes of the senior department, comprising about three hundred boys, were questioned. Nearly forty per cent of these, *viz.* 110, had sold papers. This significant proportion of ex-newsboys in confinement raises a legitimate presumption against the trade.

The extreme youth at which many of them began to work is an item of significance. At the Juvenile Asylum the greater number began selling papers at ages ranging up to twelve years, as follows:

1	boy	began	at	4	years	9	boys	began	at 9 years
1	"	"	"	6	"	17	"	"	" 10 "
6	boys	"	"	7	"	17	"	"	" 11 "
8	"	"	"	8	"	21	"	"	" 12 "

[1] May, 1904.

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This makes a total of 80 boys who began between four and twelve years of age, as against 43 boys who began at thirteen and fourteen years, and one at fifteen. At the Protectory the proportion of newsboys who began while very small is even larger:

1	boy	began	at	5	years	13	boys	began	at 9 years
4	boys	"	"	6	"	19	"	"	" 10 "
7	"	"	"	7	"	16	"	"	" 11 "
11	"	"	"	8	"				

The number who began at ages between twelve and fourteen is 36, and two began at fifteen. This gives a total of 109 ex-newsboys, of whom one-half, 55, started to sell papers when between five and ten years of age.

The employment of children at such tender ages leads one to presuppose dire need. Destitution and, in particular, the alleged necessities of widowed mothers in fact constitute the standard argument against any restriction of the street trades as regards children. In such cases it is generally maintained that any contribution that the child can make is not only justifiable, but commendable; that the claim of the widowed mother for assistance should be paramount. Indeed, the needy widow cannot fail to evoke sympathy and solicitude. Responsibilities and duties, often heavy for two to bear, fall to her unaided hands. Struggling for respectability or sunk in poverty, she has somehow to meet the problem of providing for her children.

The difficulty of the widow's lot must be granted; but it should be noted that the conspicuous hardship of her position has given to her claims an entirely unwarranted prominence. Children of widowed mothers are not, as is often assumed, typical of the whole class of newsboys. The number of children supporting their mothers has been grossly exaggerated. The statistics of the reformatories, corroborating the statements of careful observers, show that the children of widows who sell papers form but a small minority of the newsboys. Of 80 children at the Asylum between four and twelve years of age, those driven by destitution to sell papers numbered but 21, as against 60 for whose entry into the trade no such reason existed. Further, these 21 destitute cases include total orphans and the sons of disabled fathers

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as well as of widowed mothers. Thus the children of widows make up less than one-fourth of the total number of Asylum newsboys, and as far as can be judged from the records, they make up less than one-fourth of the Protectory boys. Even if it were advisable to leave open the street trades without restriction as regards this minority, the claims of the remaining majority cannot for their sake be wholly ignored.

Moreover, even when the newsboy's assistance is sorely needed, his earnings are either so small as to be practically of no value to relieve destitution, or the contribution he brings, while temporarily a relief, is bought at too dear a cost. Two extreme cases may be cited to illustrate the first point. Harry M. was committed at the age of seven years. His mother, a widow, bought papers for him to sell every morning. He was too small to know where he had gone. "She just told me to stay out until they were sold," he said. His earnings usually amounted to ten cents a day. Michael D., a Protectory boy, began selling newspapers at nine years of age, and continued in the trade, on and off, for two years. He says that the most he ever made was thirty-five cents, and that his usual day's earnings after school were twenty cents.

In some instances, on the other hand, a boy can earn enough to relieve a poverty-stricken family. Isidore C., whose stepfather and mother were obliged to crowd a family of ten into three rooms, earned $1.25 a day. The family income was somewhat increased, but the child was sacrificed in the process. He began to sell papers when six years old and continued to do so for four years. He never went to school, working often from seven o'clock in the morning until twelve at night.

In other instances we find small earnings made at an equally disastrous cost. William N.'s father was dead at the time when he became a newsboy, and his mother earned a little by sewing. He worked after school, bringing home about twenty-five cents a day. He soon joined a gang of boys who pilfered and stayed out at night, and was committed for ungovernableness.

It is futile to deny that some hardship will be inflicted by depriving destitute families of even the small assistance which the newsboy affords. The community, which refuses to sacrifice the

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child to immediate needs, should see to it that some sort of substitute is offered. The public and private aid expended upon reformatory institutions might, in a wiser economy, be granted more freely to destitute widows in their homes. A former commissioner of charities in New York, Mr. Homer Folks, has insisted upon this point with all the weight of experience. He says:

The objection that is offered most frequently, and perhaps with most effect, to further restriction of child labor, is the alleged fact that in a great many instances the earnings of these little children are needed to supplement the incomes of widows [or] of families in which the husband and wage-earner may be either temporarily or permanently or partially disabled, and that without the small addition which the earnings of these little boys and girls can bring in, there would be suffering and distress. It would be easy, I think, to overestimate the extent to which that is true. . . . So we should not admit that that side is more serious than it is; but let us cheerfully, frankly, gladly add that there would be many cases in which the proposed legislation [for the restriction of child labor] would deprive many families of earnings from their children, and that we propose ourselves to step into the breach and provide that relief in good hard cash that passes in the market. . . . If larger means are necessary to support these children so that they need not depend on their own labor, by all means let us put up the money and not push the children for a part of their support before the time when they should naturally furnish a part of their support. . . . In the long run it is never cheap to be cruel or hard. It is never wise to drive a hard bargain with childhood.

This point was emphasized also in the English report of which mention has been made. Since 1894 children working on the street in England have been subject to certain broad restrictions as regards ages and hours. Manchester, Liverpool, Bradford and many other cities have since then by local acts taken further steps to regulate the street trades by the licensing system. The parliamentary report of 1901 urges the adoption of this system for newsboys through the whole country. Upon the subject of poverty it says in vigorous language:

It seems clear that the too early employment of children may, like the premature work of horses, injure their future capacity, and that what

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is gained at the commencement of life is much more than lost at a later stage. Even on the lowest ground of financial interest, it is not cheap to work a child so as to cause him to be prematurely worn out. It is more economical to start him in life after a healthy childhood with powers that will last longer, and keep him to a later age from being dependent on others for his support.

And again:

> We do not consider that for sums so small the sacrifice of the child's health and education and of all its play is justified. We should be sorry to maintain that children should be little egotists, thinking only of their own pleasures and advantages, and forbidden to give up anything for the good of their parents or brothers; but in this case the sacrifice is out of all proportion to the good. . . . Poverty therefore should, we think, not be legally recognized as an excuse for permanent absence from school . . . nor for permission to work more than is reasonably proper.

Poverty, as we have seen, accounts for little more than one fourth of the total number of newsboys in the two reformatories. For the work of the remainder, the great majority, a different explanation must be sought. It is found in two mutually dependent causes: the exploitation of children by their parents and the habit of truancy. Either one of these causes may operate alone to lead a boy to street life, but it is difficult to treat the two separately because truancy so often follows forced labor. The street environment generates habits of independence and of defiance, and truancy is practiced when street labor is no longer required.

Illustrations are not wanting of sheer exploitation by parents. Abraham S. of the Asylum began to work at the age of four years. He sold papers all day and sometimes until ten o'clock at night for almost eight years in succession, robbed of all the normal immunities of childhood. Upon investigation it appeared that the parents of this child were both living during these years, and were earning a good income from an oil and paint shop which they owned. A daughter of fifteen assisted them, and their small family lived in three rooms over the shop with an extra room on the first floor. The boy was committed at thirteen for petty lar-

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ceny. Benny R., beginning at the age of eleven, sold papers for two years, working after school and sometimes until past midnight. His parents were both living. His father was so far from suffering destitution that he was renting houses and subletting them at a profit. Two older boys were earning good wages. Morris S. began to sell papers at eleven and continued in the business for two years. Sometimes he went to school, and sold papers from four in the afternoon until ten o'clock at night. At other times he worked from five in the morning until ten o'clock at night. His father earned eighteen dollars a week and the family of five lived in a good home of four rooms. He is now in the Asylum for stealing and pawning jewelry.

These children came of families in fairly comfortable circumstances. But poverty-stricken parents are equally guilty of exploitation when the child's wages relieve destitution caused by indolence or drunkenness, and in such cases the sacrifice of the child is equally indefensible. Two illustrative instances of this sort may be cited. Ignatius G. began to sell papers at the age of eight or nine years, working after school and sometimes until as late as midnight. His parents were both living. The mother earned from three to four dollars a week by washing; the father was intemperate and earned nothing, although able to get good wages as a plumber or tinsmith. The boy's earnings amounted to about fifty cents a day. Louis P. became a newsboy at eleven years. He sold papers after school hours and on Saturday from six in the morning until nine at night, making from forty to eighty cents a day. His father was a drunkard; his mother earned a little by sewing and received some outside assistance.

The truancy of the newsboy is often regarded as the picturesque side of his life. A spark of romance is supposed to attach to his unconventional ways: if his life is hard, it is full of interest and excitement. The disillusioning truth, however, paints a darker picture. It shows how truancy changes a trade which should be an honest means of wage-earning into an irregular or depraved existence, undermining health and morals. Observers agree in describing the newsboy's life as a round of irregular work, irregular sleep, irregular meals; often in close contact with the criminal class, which also lives in the thick of the crowd and finds apt

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pupils in the newsboys. From the reformatory, so often the grim goal of the truants' adventures, comes the same testimony. It was the desire to be independent and to shirk ordinary duties which led many of the lads to the street trades and by degrees to serious mischief.

It is important to emphasize the fact that truancy, the boys' love of independence, cannot be isolated and considered as a separate cause of street work, distinct from other causes. Whatever the original cause which made them newsboys — destitution, exploitation or their own love of independence and of shirking — as soon as the boys are well in the trade, no hard and fast lines can be drawn between them. The conscientious schoolboy selling after school hours, the exploited little child driven to work by miserly parents or a drunken father, the toughened street Arab, all mingle in the ranks. Every influence makes for truancy, while the newsboys' homes are not usually of so attractive a character as to counteract these centrifugal forces.

The large number of commitments for ungovernableness bears witness to difficulties of control confessed by the parents themselves. Indeed, the helplessness of parents is perhaps the most startling fact brought out in the histories of these child workers. In the family records of the Juvenile Asylum there is constant complaint that the boys live as tramps for weeks at a time; while the lads themselves own in conversation that they rely chiefly on newspaper selling when they run away from home. A typical instance is Fred M. of the Juvenile Asylum. Evil habits and incessant cigarette-smoking were written upon his ravaged face and stunted figure. His lips were partially paralyzed, making his newsboy slang almost unintelligible. This poor product of the street began to sell papers at nine years, from morning to night for weeks at a time. He alternated this with other street trades, apparently never going to school. His father earned twelve dollars a week, enough to support his small family, but he had no control over the boy. In many cases the roving habit is contracted at even earlier ages. Of 55 Protectory boys between five and ten years of age, one-third were known as habitual truants.

It is evident, on examining the facts, that an important incen-

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tive to truancy is the prevalence of late night hours. Night work and truancy may almost be said to go hand in hand. Staying out until midnight to sell the late editions leads easily to staying out for nights at a stretch. At the Protectory, of 55 little boys between five and ten years of age, 35 worked later than nine o'clock, many until midnight. Those at the Juvenile Asylum who stayed out later than nine at night somewhat exceed the number of those who stayed in after that hour.[1] The lack of any provisions concerning hours of labor on the street, such as are embraced in the English act of 1894,[2] has allowed night work at selling papers to develop to its present proportions.

To combat the spread of truancy there have been hitherto some vague provisions of the Penal Code, a provision of the Code of Criminal Procedure, and the Compulsory Education Law. The Penal Code declares guilty of a misdemeanor any person who allows a child under sixteen to engage in any "mendicant" or "wandering" occupation. It provides also for the arrest and commitment of any child found begging in any way upon the streets.[3] The Code of Criminal Procedure declares in express terms that "any child between the ages of five and fourteen having sufficient bodily health and mental capacity to attend the public school, found wandering in the streets . . . of any city, a truant," may be arrested on complaint of any citizen or peace officer,

[1] Extreme cases were found, such as those of Bernard S., who worked from five in the evening until twelve at night; William M. and Sam S., who worked before school from six to eight o'clock, and from five until half-past eleven at night; Eaner J., who was at work from four to eight in the morning, and from four to eight after school; Morton P., who sold from noon, on and off, until one o'clock the next morning; George K., who sometimes worked from noon until five o'clock the next morning.

Some Protectory boys who worked unusually long hours were: John C., who began in the morning at nine o'clock and sold until eleven, and again from three until nine at night; John P., a little Italian of ten years, who divided his day between two street trades, peddling from seven o'clock in the morning until noon, and selling papers from six o'clock in the evening until after midnight; Frank C., who worked with his father, a bootblack, in the mornings, and sold papers in the afternoons from three until eight; and Michael M., who began his day's work usually at three in the morning, sold papers for five hours before going to school, and often spent an hour or two selling in the evening also.

[2] This act forbids boys under fourteen and girls under sixteen years to sell on the street between nine in the evening and six in the morning.

[3] Penal Code, secs. 291, 292.

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and if thereafter not restrained by his parent or guardian must be committed to a reformatory institution.[1]

It is worthy of note that only an insignificant number of the reformatory boys whose records showed them to have been vagrants and truants were arrested upon these specific charges. The causes for commitment were many: ungovernableness, disorderly conduct, assault, malicious mischief, petit and grand larceny. The provision against vagrancy has been laxly enforced, and the truants have been suffered to drift into more serious misdemeanors.

Besides the provision quoted above, the Compulsory Education Law contains regulations against truancy. Attendance officers are provided who may arrest any child found truant and return it to school, or who may, in the case of "incorrigible or habitual truants," have them committed to a truant school. Children so committed do not come within the scope of this paper, except a very few who were afterward re-arrested upon other charges.

The difficulty of enforcing truancy regulations against newsboys is self-evident. With the irregularity bred of his habits, school attendance assumes an entirely casual and haphazard character. Of 76 children at the Juvenile Asylum between four and twelve years, 28 did not go to school at all, as they sold papers at all hours; 48 claim to have sold papers out of school hours, and to have gone to school at least "usually" or, more vaguely, "sometimes." Of the Protectory boys, about one-half went to school in the same way, the other half were prevented from going by their hours of labor. The minimum period of education which the law intends to secure is thus invaded by premature work, and school is wholly or in part replaced by an atmosphere alien to normal growth.

The length of time spent at the news trade can be only approximately determined from the records of the reformatories. The truants sell papers only for the few weeks or months during which they shift for themselves. Besides Abraham S., mentioned above, who worked for eight years, there are fourteen boys at the Juvenile Asylum who had spent from two to five years at the trade. A great many more had sold papers for less than one year. There

[1] Code of Criminal Procedure, secs. 887, 888.

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is no prospective rise of wages or preferment which acts as an inducement to continue long as a newsboy. Often the merest whim induces a lad to change his trade at a moment's notice. Irregularity has become his habit. Answers given to the question whether they had worked as newsboys, bootblacks, peddlers, messengers, in shops or in factories, showed that of 125 boys at the Juvenile Asylum:

44	had worked	as	newsboys	only				
39	"	"	"	"	and	in one	other	trade
31	"	"	"	"	"	two	"	trades
10	"	"	"	"	"	three	"	"
1	"	"	"	newsboy	"	four	"	"

At the Protectory, of 56 boys ranging up to ten years:

18	had worked	as	newsboys	only				
24	"	"	"	"	and	in one	other	trade
12	"	"	"	"	"	two	"	trades
2	"	"	"	"	"	"	"	"

The earnings, especially those of the smaller children, are not sufficient to afford perceptible relief to real poverty. John W. of the Protectory claims to have made three dollars in one day selling extras when the Brooklyn bridge was thought to be in danger. People were "too quick" to look at their change, he explained, and gave him whatever "came handy." Another little fellow said: "You can make so much more when there's a 'guilty' out." But large amounts are most exceptional. Some boys speak of earning one dollar and a half a day; the majority make no more than between fifty cents and a dollar, and many do not succeed in getting even fifty cents a day. None of the boys speak with certainty of how much they earned on the average; so many circumstances influence their returns. The newsboy's inveterate addiction to craps-playing varies his earning still further. The visitors to the homes of boys in the Juvenile Asylum reported that mothers of boys in the street trades often spoke of their nervous restlessness, saying that even in their sleep they continued the snap of the fingers which is reputed to bring good luck at throwing dice.

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It may be contended that other causes besides the selling of newspapers have brought these ex-newsboys to a place of restraint. Most of them started in life handicapped by poverty, weakness or vicious environment; and no legislation can counterbalance these evil influences. But such an argument ignores the essential fact that street life increases the odds against the poor boy by its additional temptations. If he is already handicapped in the race, all the greater need exists to hedge him from conditions which aid in the development of evil predispositions. In the authoritative words of the English report: "In most cases it would be better that there should be no street trading at all, rather than street trading under such conditions."

It was precisely to change such conditions that the law of 1903 regarding newsboys was enacted in New York State. No prohibition of the trade was attempted; specific restrictions only were introduced. Under this law a boy must be ten years old before he is allowed to sell papers; he must go to school regularly, selling only out of school hours; and he must not sell after ten o'clock at night until he is fourteen years old. To ensure the observance of these regulations he must carry a license and wear a badge issued to him by the school authorities at the written application of one of his parents. The power of licensing will, it is hoped, give the school a rightful preponderance in the newsboy's life. The school requires his first attention, and it allows him, as it were in reward for good behavior, the privilege of a reasonable amount of work on the street.

The license system is as yet untried in this country, except in the city of Boston. It was inaugurated there in 1898, but owing to interruptions and changes in the method of enforcement, its effects are still to be proved.

No adequate method of enforcing the license law has yet been put into practice. Undoubtedly the power of arrest for infringement of the law, like the power of licensing, should be lodged in the school. An added influence and authority would thus be given to the attendance officers, and the close relation between school and licensed work would be brought home to the newsboy, to act as a salutary stimulus to school attendance. This policy of concentrating authority in the school has not been followed. Once

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having granted the boy his badge, the school has no further control over him. If he violates the law, the regular police authorities must arrest him. In Boston, a child under twelve years may not be taken directly to a police station; his name and address are secured and his parents are notified that he must appear in court when summoned. In New York the offending newsboy must be arrested and brought before the court, to be dealt with like other misdemeanants. Instead of regarding him merely as a disobedient schoolboy, the New York law introduces him at once on his first offense to the atmosphere of the criminal court — a procedure which may suggest to him that he is definitely enrolled in the criminal class or blunt his awe of criminal justice.[1]

This criticism of the method of enforcement, however, does not touch the essential value of the license system. Its results in England are unmistakable. The success of single cities in regulating the news trade under this system led to a recommendation, in the parliamentary report of 1901, that it be adopted throughout England. In 1903 Parliament authorized local acts for establishing the system wherever desired. In England it has thus passed beyond the stage of experiment. It should answer our needs as well, for it works a twofold benefit: securing to children, formerly exploited, school attendance and immunity from work after ten o'clock at night, and to the parents of truants a reinforcement of their authority. When a boy between ten and fourteen years of age is obliged by law to secure his parents' approval and assistance to enter on the trade which he has hitherto regarded as a convenient opening into independent life, there is some check upon truancy. More would be gained if the age limit were raised. When fourteen years is the minimum age for children working in shops and factories, so low a limit as ten years for the more exposed news trade is plainly unreasonable. It represents merely a compromise between opponents and advocates of restriction. Again, the lack of any limitation concerning

[1] After seven months' trial of the newsboy law in New York, the reluctance of the police to arrest offending newsboys and the impossibility of forcing them to do so have led the police commissioner to consider the feasibility of empowering the attendance officers to enforce the law. In Boston the same difficulty has been encountered, and an attempt has been made to solve it by the assignment of a special police officer for the purpose.

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the hour of beginning work is a defect in the law, which detracts somewhat from its value.

Before the newsboy law was passed, opponents argued that the license system would involve too much detailed work and too great expense for the city. A glance at the present cost to the city of the ex-newsboys in confinement offers a standard of comparison. At the small *per capita* payment of $110 for delinquent children, the 235 newsboys in the two reformatories investigated cost the city over $25,000 in a single year; and these are but two of the seventeen institutions containing city charges. Obviously it is a poor economy which grudges the expenditure of a comparatively small sum to save a much larger expense; and it is not unreasonable to expect that a proper supervision of the news trade will result in a decreased number of arrests for street misdemeanors. The matter of expense, however, is a secondary consideration: what should first be considered is the cost of child labor on the street to future citizenship — a cost which cannot be reckoned in dollars and cents.

There remain to be considered the ex-messengers and ex-peddlers at the two reformatories: boys who devoted themselves entirely to those trades before commitment and those who engaged in them after having first been newsboys. It is not on account of the large numbers who worked at these occupations that the testimony of those now in confinement is valuable, for many of them have been counted as newsboys. The interest lies in the light thrown by individual experiences upon peddling and the messenger service.

The messengers. — As regards the practically unprotected messenger service, the investigator of the Child Labor Committee of New York, after minute inquiry, reported the following evils: employment of children under fourteen years of age; excessive and irregular hours, and consequent interruption to school attendance; encouragement to dishonesty in various ways; and introduction to immoral influences and disreputable houses. The truth of these charges is corroborated by the records of the ex-messengers at the two reformatories. There are 23 at the Juvenile Asylum, of whom 13 were newsboys also at some time in their careers. At the Protectory, there are 19 ex-messengers, of

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whom five were also newsboys. These lads, though only a handful out of the thousands yearly in the companies' employ, bear witness clearly enough to the dangers of the service.

The companies state that fourteen years is the minimum age of the messengers; but at the Juvenile Asylum there are nine boys who entered the service at the age of thirteen, three who began at the age of twelve, and two who began respectively at the ages of eleven and ten. At the Protectory, ten out of the 19 ex-messengers entered the service at thirteen years, and three at twelve years. All three had obtained employment simply by calling themselves fourteen. Not one of all these children was able to go to day-school while serving as a messenger, and the night duty to which the majority were at times assigned excluded them also from night-school. Their hours of work covered all times of the day and night, varying with the demands for over-time work and with the needs of the season. A twelve-hour day was not at all unusual, and even these hours were extended. Charles S. of the Protectory, for instance, was on duty from seven to seven regularly, and was almost always kept until nine o'clock at night. Christmas, a season of increased burdens for the messengers, often means hours outrageously extended.[1] The custom of alternating weeks of day and night duty is particularly demoralizing for boys of immature years.[2] Such hours of work leave them with ingrained habits of irregularity. To vary hours of sleep so radically is difficult enough under the best of circumstances; in the homes from which these boys come it seems to be well nigh impossible. But ways to spend free waking time are not lacking, so that a messenger, after napping a few hours, need not be at a loss for means of mischief.

[1] On the day before Christmas — to cite but two of many examples — John W. of the Protectory worked at a stretch from six in the morning until half-past three the next morning; John D. from eight in the morning until twelve at night.

[2] Of the Protectory boys, Arnold K. worked one week from six in the morning to eight in the evening; the next from eight in the evening to six in the morning; James B. one week from eight in the morning to eight in the evening, the next from one in the afternoon to eleven in the evening; William O'C.'s hours were in alternate weeks, seven in the morning to five in the afternoon and two in the afternoon to midnight; Luke C.'s, eight in the morning to six in the afternoon and three in the afternoon to midnight.

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In this connection, it is of interest to note that the parents of the ex-messengers in the Juvenile Asylum charge these boys almost without exception with refusing to work at any regular occupation. Many boys who are unwilling to work steadily are attracted by the irregular hours of the messenger service, and by the opportunities it offers to loiter on the street and to indulge in petty street crimes. Moreover, the great demand for boys in the service apparently makes occasional truancy, when cloaked by some well-turned excuse, a less serious charge than in other occupations.

As in the case of newsboys, so too among the messengers, few were driven to premature labor by extreme poverty of parents. Of the fourteen Juvenile Asylum boys who began between ten and thirteen years, only one came of a destitute family which had imperative need of his assistance. The others had fairly good homes.[1] As far as can be judged, the same statement holds good in the case of the Protectory boys: the percentage of desperately poor families or of widowed mothers is inconsiderable.

Again, as among the newsboys, the causes of commitment were chiefly ungovernableness and petty larceny. The first is comprehensible enough in view of the messengers' way of life, and larceny is not less encouraged by his environment. Overcharging and pocketing the over-charge is a custom regularly observed, almost unmentioned because so regular an incident of the trade. Cheating and stealing in other ways follow naturally.[2] A boy need not be long in the service to learn its evil lessons; a few months initiate him. Six of the 24 ex-messengers at the Juvenile Asylum served for one year or more, the others from one

[1] Morris F. was a messenger before he was twelve years old. His father earned $16 a week and had a good home. Morris was a truant, preferring the messenger service to school. When Jacob S. was a messenger at thirteen years, his father, a carpenter, was earning $12 a week. But Jacob joined bad companions and refused to go to school any longer. Jacob St. was a messenger at twelve years. His father and mother owned a soda stand; a brother and sister were working; and the family was able to keep up a good home of four rooms, paying $16 rent.

[2] At the Protectory there is, for example, Joe A., who was a messenger on day and night service, and who acquired the habit of staying away from home for nights in succession. Over-charging was for him a matter of course, and he soon began to steal from a grocery store. His father paid for his thefts repeatedly, but finally in despair had him committed to the institution.

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month to one year. Four of the 19 ex-messengers at the Protectory served for a year or two years before commitment; the remainder less than one year.

The most serious charge of all, that of subjecting young boys to immoral influences, is illustrated by the case of Joseph W. at the Juvenile Asylum. His mother in the deepest distress had him committed to save him from the consequences of his service as a messenger. He had been sent for by a woman in Monroe Street, had stolen for her, and in company with other boys was spending the nights in her rooms. The reformatory offered itself to his parents as the only means of restraint. As against this one boy, whose irregularities were discovered possibly in time to save him, who can say how many of the thousands subject to such dangers have fallen as he did, and fallen unobserved with no attempt at rescue? In the Bowery and Tenderloin districts where most of the Juvenile Asylum and Protectory boys were employed, calls for messengers in night hours meant, almost without exception, an introduction to vice. An inadequate attempt to minimize this danger is found in a section of the Penal Code forbidding messengers to be sent to any disorderly house, unlicensed saloon, *etc.*, "except to deliver telegrams at the door of such house" — an exception which destroys the intent of the act, being obviously impossible of enforcement.[1]

The law of 1903 marks a decided advance in the protection of messenger boys. They have been covered by the same laws which protect children working in mercantile establishments. Messengers must be over fourteen years of age; if between fourteen and sixteen years, their hours of labor are limited to nine per day; and they may not be employed between ten in the evening and seven in the morning. Before being employed, messengers must obtain from the Board of Health working papers, which are issued to them only if they have reached fourteen years, are not physically defective, and have completed a required amount of school attendance. These restrictions, if enforced, should eliminate many of the undesirable features of the service. Its insidious dangers for young boys, however, will not be effectively combated until the age limit is still further raised. Men over

[1] Penal Code, sec. 292 a.

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twenty-one years should, in time, be the only night employees in this business.

The peddlers. — At the two reformatories the great majority of those calling themselves peddlers did not sell goods independently, but worked as helpers under some grown peddler — usually some vegetable or fruit vender. There are in all 29 boys at the Juvenile Asylum who worked as peddlers, ten of them having been newsboys also at some period. At the Protectory there are 42 ex-peddlers, of whom 27 were newsboys also.

Like other street workers, these boys began at very early ages: 23 of the Juvenile Asylum boys started to work between ten and twelve years; six boys at thirteen or fourteen years. At the Protectory, 31 boys began between ten and twelve years; 11 boys at thirteen or fourteen years. Their duties were to meet the peddler under whom they worked in the early morning at some market, to help him fill his wagon, and then to travel slowly through the streets until the goods were sold. Their hours of work usually lasted from five or six o'clock in the morning until some time in the afternoon. There is thus no night-work in this trade; but, like other street occupations, it encourages an irregular life and introduces a boy to evil companions.

School attendance is of necessity almost entirely dispensed with. Of the 11 older Protectory boys (thirteen and fourteen years old) three went to school; of the 31 younger ones (between ten and twelve years) seven went to school, making a total of ten who attended school out of 42 peddlers. At the Juvenile Asylum, eight of the 29 boys went to school, and peddled out of school hours.

These boys did not keep at the trade for long periods, because they found the pay small and the work heavy. Even a sturdy lad of ten or twelve soon tires of carrying heavy loads up the long flights of tenement stairs for hours in succession. Three of the 29 ex-peddlers at the Juvenile Asylum and six of the 42 at the Protectory worked at this business for one or two years; the rest less than one year. Their earnings were for the most part under fifty cents a day; only nine of the Protectory boys and a few at the Juvenile Asylum made as much as seventy-five cents a day.

Ending their work early in the afternoon, as these child peddlers did, they often finished the day with other street occupations.

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John W. of the Protectory is an extreme illustration. For several years he was a newsboy, selling papers after school until late at night. When he was twelve years old he became a peddler in addition. Thereafter his various occupations engaged him for sometimes nineteen hours out of the twenty-four. At five o'clock in the morning he met the peddler who employed him at market, his mother providing him with a small alarm clock to waken him from his heavy sleep. Before school he worked on the street for three hours selling vegetables. School followed, and at three o'clock he was out to sell papers for the afternoon. At night he sold the late editions, occasionally staying out until midnight. "I wasn't much on sleeping," he explained. One of the greatest hardships he endured on first coming to the Protectory was the necessity of spending in bed the conventional hours for sleep, seldom actually getting to sleep before morning.

Every one of these child peddlers worked in technical defiance of the section of the Penal Code which specifically forbids peddling by children under sixteen years of age. So sweeping a prohibition as this, with so high an age limit — higher than that required in the news trade, in factories and in mercantile establishments — is plainly unenforceable at present. The law is, in fact, enforced only when such peddling introduces a child to visibly immoral resorts or surroundings.

The line at present drawn between peddlers and newsboys seems wholly arbitrary. No valid reason appears why a child who peddles from a pushcart, or helps an adult peddler in the street, should not be subject to the same law which protects the newsboy. This is but one of the many anomalies in the existing legislation for the protection of children in New York. The measures passed in 1903 are far from being radical reforms, and should be regarded merely as initial attempts at improvement. Each one of the three street trades still waits for adequate protection. The attempt to license the child peddlers has failed entirely. The confusion of authorities for issuing newsboy licenses and for enforcing their use has been mentioned. The control of the messenger service by the Board of Health is entirely experimental and remains to be proved efficient in practice.

The most glaring defect of the juvenile delinquency laws of

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New York, as of every other state except Colorado, is the failure to impose penalties upon the persons accessory to the child's transgressions — upon his parents, guardians, employers, *etc.* It is true that some penalties are provided for adults who participate in acts forbidden to children, *e.g.* a penalty for the junk dealer who buys from a boy under fourteen and for the bar-keeper or tobacconist who sells to a boy under that age; but these penalties are sporadic and illogical. The adult accessory in most cases goes unpunished and undeterred from repetitions of his offense.

Comparing the existing legislation of New York in behalf of children plying street trades with the standard set by the most advanced child-labor laws, the following deficiencies are to be noted:

1. *Age limit.* — The newsboy may go to work at an age lower than that allowed in any other occupation in New York State, *viz.* ten years.

2. *Restriction on account of physical or mental incapacity.* — The newsboy is granted a badge without physical or mental test of fitness, and having obtained it, he is subject to no further observation as to the effects of his trade.

3. *Restriction of hours.* — Messengers above the age of sixteen are not protected from night work, although the dangers of such work for any minor are undeniable. Newsboys are not adequately restricted from night work: in fact it can hardly be said that there is any real restriction in their case when a child of ten years may sell as late as ten at night and begin again at any hour of the early morning.

4. *Restriction as regards trades dangerous to health or morals.* — From this point of view the existing laws are wholly inadequate. It does not seem unreasonable to expect that this ground of restriction will in time be so extended as to exclude all children from the trades of news-vender, messenger and peddler. A more enlightened public opinion will recognize all these trades as dangerous, and therefore as unfit for children.

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THE CESSION OF LOUISIANA TO SPAIN.

PRESENT appreciation of the value of the Louisiana territory, and the estimate put upon it by France and Spain while they were its actual possessors, afford one of the most remarkable contrasts in history. The willingness of Spain to exchange the tract for a petty kingdom in northern Italy, the readiness of Napoleon to surrender it for a quite insignificant sum of money, and the consternation felt in the United States itself over the gigantic landslide from beyond the Mississippi, are too well known to need further comment. These conditions of mind will, at any rate, bear profitable comparison with the spirit of France in 1762 when ceding Louisiana to Spain, and with the feelings of that country in accepting it. Save as a matter of policy,[1] France displayed the utmost indifference as to the fate of its American colony. To both powers Louisiana was not merely destitute of intrinsic value, it entailed a positive deficit.[2] Its alienation would confer an advantage upon the donor, and entail a corresponding loss to the recipient. Ignorance, neglect and maladministration had brought on so much expense and vexation, that France felt inclined to relinquish the burden, although with a show of magnanimity that faintly concealed her actual sense of relief, while Spain took up the unwieldy mass with a display of gratitude that poorly masked her own chagrin. Compared with these circumstances, the attitude of France and Spain at the opening of the nineteenth century would seem to betoken a real reluctance in parting with the Louisiana territory. That of the United States in receiving it would appear one of positive eagerness.

Various considerations had induced Spain to participate in the

[1] See *infra*, p. 447, *et seq.*

[2] One of the most noted of recent Spanish historians has ventured the surprising statement that "the exploitation of the gold mines along the Mississippi brought quite a number of colonists to Louisiana." Danvila, Historia del Reinado de Carlos III, t. iv, p. 74. Had such mines really existed, the history of the Spaniard in America affords some reason to believe that alacrity, and not reluctance, would have marked the attitude of Spain in reference to accepting Louisiana from France.

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war that deprived her of Florida and gave her Louisiana. With growing uneasiness the court of Madrid had watched the diminution of the French power in the North American continent. It feared that when once the colonial balance of France and England had been destroyed, the Spanish American dominions would become the object of English ambition and enterprise. In this opinion Spain was encouraged by the conduct of England herself. The British had adhered tenaciously to their settlements in Honduras, and had carried on a profitable contraband trade with the Spanish colonies elsewhere. A sense of community, also, in the affairs of the two great representatives of the Bourbon dynasty exercised considerable influence on Charles III. The misfortunes of his royal "brother and cousin," Louis XV, and the skill with which the latter and his ministers utilized them in appealing to the sentiment of dynastic affection, weaned the Spanish king from the prudent attitude of neutrality which he had observed during the earlier years of the war. A futile effort to mediate on behalf of France was followed by the formation of the third Family Compact, August 15, 1761.[1]

Whatever might have been the spirit of this agreement, it was not specifically an alliance against Great Britain. That was not concluded until February 4, 1762,[2] about a month after Great Britain, aware of the eventual purpose of the new combination of the Bourbon courts, itself had declared war on Spain. In associating himself with Louis XV on this occasion, Charles III simply became the "cat's-paw" member of the Bourbon alliance, precisely as the French monarch had been enacting that rôle in his connection with Austria. Sentimental sympathy for his Bourbon kinsman, and the fear of British colonial designs blinded Charles III to the actual plight of France, and to the great strength, almost undiminished, of the English adversary. Fatuously he assumed the task of fighting for a cause already lost; the act brought in its train naught but defeat and humiliation.[3]

[1] Cantillo, Tratados, convenios y declaraciones de paz y de comercio, p. 468, *et seq.*

[2] "Convencion particular de alianza, ofensiva y defensiva entre las coronas de España y Francia contra la Gran Bretaña." *Ibid.*, p. 482 *et seq.*

[3] In view of the utter overthrow of the French colonial dominion which had been attained by the time the Family Compact was signed, the language of that

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No sooner had Spain embarked in the war than she assumed an active share in the negotiations, already pending, for peace. The only section of the preliminary articles under consideration in July, 1762, which concerned Spain, was that relating to the proposed boundary of Canada on the south and west. By the sixth article as then constituted, France had agreed to cede to Great Britain the left bank of the Mississippi as far as the river Iberville and Lakes Maurepas and Pontchartrain, thus making the Mississippi the boundary between Canada and Louisiana.[1] Forthwith the Marquis of Grimaldi, the Spanish ambassador, protested to the Duke of Choiseul against this virtual cession of a part of Louisiana[2] under the guise of merely fixing the boundary line of Canada.[3] Such a procedure, he argued, would give the English an easy outlet to the Gulf of Mexico. So abhorrent was the idea to the Spanish mind that he even expressed a doubt whether his royal master would ever conclude peace, should the meaning of the article be so construed. He thus intimated that

staid document in reference to compensation for gains and losses seems almost jocose. It says: "Their Catholic and Christian Majesties have agreed that, when the question of peace shall have arisen at the close of the war which they may have carried on in common, the advantages gained by one of the two powers shall compensate for the losses the other may have sustained." *Ibid.*, p. 471, art. xviii. Nor does the humorous aspect disappear in the wording of the actual treaty of alliance between Charles and Louis, wherein it is stated that "from the day of the date of this convention the losses and gains shall be common." *Ibid.*, p. 483, art. iii. The issue of the war certainly enabled Spain to fulfill her treaty obligations, for she shared the losses and — in the minus degree — the gains! Cantillo very properly remarks that for considerations of "mere family affection the blood and interests of an entire people [*i.e.* the Spanish] were compromised in the blunders and caprices of a foreign monarch." *Ibid.*, p. 474.

[1] "La France accorde que la fleuve de Mississippi serve aux deux nations de limites entre la Louisiane et le Canada, de manière que la rive gauche de ce fleuve appartienne à la Grande Bretagne jusqu' à la rivière Iberville et les lacs Maurepas et Pontchartrain." Projet d'articles préliminaires arrettés (*sic*) entre la France et l'Angleterre, Art. vi. Archivo General de Simancas. Estado, Legajo, 4551.

[2] Elsewhere in the preliminary articles the river and part of Mobile were included in the French cession to Great Britain.

[3] It must be remembered of course, that during the French occupation no definite line of territorial division between Canada and Louisiana as provinces had ever been established. Nor did the maps of the period render the task of the diplomats any easier.

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France was not at liberty to dispose of Louisiana without the consent of Spain. The suggestion provoked from the Count of Choiseul, the duke's younger brother, who was present at the conference, the sharp rejoinder that it seemed rather odd for Spain to lay down the law to France regarding the latter's own property, especially since under the circumstances the English might decline altogether to entertain the proposition.[1] Choiseul hastened to rebuke this youthful outburst, and answering Grimaldi's objection, said that the sense in which the article was couched ought to be clear enough to relieve the Spaniards of any such apprehension. If that were insufficient, the map that was to accompany the definitive treaty would indicate precisely the extent of the proposed cession. He declared that, since the river Iberville and the two lakes were to remain in the possession of France, the further navigation of the Mississippi by the English toward the Gulf of Mexico would be barred at that point. At least such was the present attitude of France on the subject. In the event of Great Britain's being dissatisfied with the arrangement, certainly nothing would be done, asserted Choiseul, in reference to ascertaining the boundary between Canada and Louisiana, without a previous agreement between the two Bourbon monarchs.[2]

Up to August, 1762, Grimaldi had received no precise instructions to govern his conduct in the negotiations, but his doubt in reference to the boundary of Canada was well substantiated in the orders that then came from Ricardo Wall, the Spanish chief minister of state. The instructions pointed out how utterly opposed the king of Spain was to any cession whereby the English might get a foothold on the Gulf of Mexico, or even hope to be able to reach that body of water. That Canada ever extended so far to the south as the French had maintained was preposterous. "The English on their part ought not to claim any port of Louisiana itself as a boundary between that province and Canada," wrote Wall, "for to do this one would have to stretch Canada southward to a point it never attained. Nor are the French free

[1] Simancas, Estado, Legajo, 4551. Grimaldi to Choiseul, July 20, 1762, and to Wall, July 22 and August 19, 1762.

[2] *Ibid.* Choiseul to Grimaldi, July 21, 1762; Grimaldi to Wall, August 20, 1762.

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to dispose of possessions the right to which Spain, as the legitimate owner, has never conceded." However, since his Majesty had resolved to

coöperate in every way so as to secure a lasting peace, it would be better to fix boundaries between the several possessions as they actually exist, although up to the present time some of them may not have been recognized by Spain as unquestionably parts of the royal dominions, Louisiana and Georgia, in particular, belonging to this class.

So far as Canada was concerned, he thought that the latitude of the Carolinas might well serve as an approximate line of demarcation between the French and Spanish territories.[1]

Armed with these instructions, Grimaldi notified Choiseul that he was ready to produce legal and historical proofs whenever it might be needful to substantiate the Spanish claim to Louisiana,[2] at least so far as determining the extent to which the province might be alienated to a third power. The matter of capital importance to Spain at the existing stage of the negotiation, he

[1] *Ibid.* Wall to Grimaldi, August 2, 1762.

[2] "I do not believe it necessary to prove the king's right to Louisiana, but in order that one may provide for all possible contingencies, it might be well to have ready and at hand a memorial with the proofs of that right, such as are indicated in the enclosed sheet — those of which all the European powers have availed themselves to establish the legitimacy of their conquests and possessions in America.

"Memorial which proves:

"1. That the Spaniards discovered and explored all the region or coasts that surround the Gulf of Mexico.

"2. That they have taken possession of the same, and have performed those acts of jurisdiction and dominion whereby the European powers attest their right to the countries of America.

"3. That by reason of the enormous extension, Spain has not populated all the region, in which time [*sic*] the French made their way to the River Mississippi and to Louisiana.

"4. That their settlement is not legitimate nor recognized by Spain, in proof of which during the reigns of Philip V in Spain and of Louis XIV in France, the French were ejected from it by armed force.

"5. That the previous toleration by Spain neither lessens her own right, nor gives weight to the claims of France, *etc.*" *Ibid.* Grimaldi to Wall, August 20, 1762. In his fourth "proof" Grimaldi, it would seem, refers to Juchereau de Saint Denys' exploring trip to the southwest of Louisiana in 1716. See Garrison, Texas (American Commonwealths Series), ch. v, and Winsor, The Mississippi Basin, 90–98, and the authorities therein cited.

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urged, was not only that the English possessions on the continent of North America should be kept at a remote distance from the shores of the Gulf of Mexico, but also that both banks of the Mississippi for a like distance should continue to belong to France. In the opinion of the Spanish ambassador, this would be the best means of preventing English vessels from entering the river from the gulf itself. "So essential is this point regarded in Spain," concluded Grimaldi, "that until his uneasiness vanishes and his mind is made tranquil, the king cannot lend himself to peace according to the measure of his desires."[1] In reply to this repetition of an earlier threat, Choiseul explained that England had already declined to accept any such adjustment of the matter at issue. Thereupon Grimaldi suggested that a neutral and desert zone be erected between the southern boundary of Canada even as far south as the latitude of lower Georgia on the one side, and the remainder of Louisiana and the Spanish territories on the other.[2] Such was the state of affairs on September 17, when the Duke of Bedford, the British commissioner, became one of the participants in the discussion.

Informed of the approaching arrival of Bedford, Wall now sent Grimaldi a new set of instructions. Their main purpose was to gain, if possible, some real advantage, territorial or commercial, which would serve either as a reimbursement for the expense of the aid afforded to France, or as an offset to the losses Spain might have to undergo from British conquests.[3] Rumors of disaster at Havana gave a tinge of foreboding and precaution, fur-

[1] Simancas, Estado, Legajo, 4551. Grimaldi to Choiseul, August 13, 1762.

[2] *Ibid.* Wall to Grimaldi, September 5, 1762, and Grimaldi to Choiseul, September 15, 1762. "Moyens de régler les articles de l'Espagne avec l'Angleterre."

[3] "Considering that the king has performed the service of relieving the king, his cousin, from an oppressive war, if he can obtain some compensation for the injuries he has sustained . . . how can one believe that he would decline it?" *Ibid.* Wall to Grimaldi, September 16, 1762. "Although his Majesty has not proposed any advantages for himself, should England offer any . . . it would be foolish not to accept them, and not be the gainer by the proposals of our enemies, securing some just indemnity for the expense and losses. To this end you have ordered me to treat of these compensations in exchange for the restitutions that we shall have to make." *Ibid.*, Grimaldi to Wall, September 13, 1762. The "restitutions" refer to the territory captured from Portugal in the region of the Rio de la Plata.

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thermore, to the instructions. Grimaldi was bidden not to insist upon the Spanish claims so far as to break off the negotiations,[1] and he must yield all if Havana should have fallen.[2]

In his dealings with Choiseul and Bedford, obedient to the instructions, Grimaldi laid all the stress possible on the benevolent and disinterested motives of his royal master.[3] He asserted that on the point of requiring indemnification for any restitutions that Spain might be obliged to make, his orders were absolute. At the same time the Spanish ambassador deftly insinuated that the willingness of his Catholic Majesty to hasten the approach of peace would always exercise a modifying force — "an expression of which I availed myself," he wrote to Wall, "as an excuse in case I were compelled to relinquish all as a prevention of rupture in the negotiations."[4] Apparently the only thing that made this threadbare diplomatic trick so successful as to disquiet even Choiseul, was the rather unusual circumstance that the Marquis d'Ossun, the French ambassador at Madrid, had not been able to elicit an inkling of Grimaldi's orders.[5]

At the opening conference of the commissioners of the three powers, much to Grimaldi's consternation, the Duke of Bedford submitted a new version of the sixth article of the preliminaries, and with the character of a *sine qua non*. This provided that the line of demarcation between Canada and Louisiana should be traced along the Mississippi and the river Iberville, straight through Lakes Maurepas and Pontchartrain to the Gulf of Mexico. The navigation of the Mississippi, furthermore, from its source to its

[1] "Perhaps if the Duke of Bedford could be persuaded to believe that he might be allowed to return to London with the discomfiture of not having accomplished anything, he might agree to yield in some respect . . . but if with all this the outcome should be naught, then bow the head and sign." *Ibid.*, Wall to Grimaldi, September 29, 1762.

[2] The possession of the stronghold of Havana, as the key to the Gulf of Mexico, and to her colonial dominions near and around that body of water, was of course indispensable to Spain.

[3] Simancas, Estado, Legajo, 4551, Grimaldi to Wall, September 24, 1762.

[4] *Ibid.*, September 19, 1762.

[5] "Since the character of the French nation is so light and hasty, if they were to know the actual degree to which the condescension of his Majesty extends, even were their intentions toward us the best in the world, they would give up everything in one moment or another." *Ibid.*

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mouth was to be common to the vessels of both Great Britain and France. When Grimaldi endeavored to give force to the claim of Spain to Louisiana, as thereby entitling her to a voice in the disposition of that province, Bedford remarked, rather tartly, that although Spain did seem to claim all of America, there were other nations in the world owning considerable parts of the western continents, and they had strength enough as well to make their possession valid. Louisiana, he continued excitedly, was now held by the French; if it belonged to Spain the intruders should have been expelled long before. Moreover, he professed to be astonished not so much that Spain should try to hinder France from disposing of her own property as she saw fit, but that the forbearance of Louis XV had lasted so long. To this exhibition of bluster, Grimaldi replied quietly, that Spain merely desired to fix reasonable boundaries among the colonial possessions of the three powers concerned. Spain, therefore, was willing to relinquish her claim to Georgia, and to accept any fair adjustment of the Florida divisional line. At this juncture Choiseul observed that without the consent of Spain, France would not conclude peace. "So much the worse for you," retorted Bedford savagely, and the conference came to an abrupt close. Later Choiseul warned Grimaldi that Spain was not in a position to withstand the British demands, and that peace must be procured at almost any cost.[1] Of these circumstances the Spanish envoy was perfectly aware, and as already noted,[2] his instructions had been such as to make Choiseul's chiding advice quite superfluous.

Perceiving that Bedford was absolutely inflexible[3] in his demands regarding the navigation of the Mississippi, Choiseul felt obliged to contrive some means of satisfying Grimaldi without modifying the British ultimatum in any essential degree. He confessed to Ossun that he was puzzled to know why Spain would not accept the preliminary article as Bedford had offered it. He

[1] Simancas, Legajo, 4551, Grimaldi to Wall, September 19, 1762.

[2] *Supra*, p. 445, note 1.

[3] "I doubt whether the universe could succeed in making him change a word; why, I have not been able to induce him even to convert the articles he has proposed into better French!" *Ibid.*, Choiseul to Ossun, September 20, 1762.

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found nothing in it to injure the interests or pretensions of Spain. Unable to divine the motives of the Spanish opposition, he hazarded the assumption that Spain objected to the danger of contraband trade in case English vessels were allowed to enter the Mississippi from the Gulf of Mexico. But according to the literal wording of Bedford's demand, only the navigation *down* the river was in question. And if it were the fear of an attack on Florida that actuated the Spaniards, it certainly appeared easier to assail that colony from the direction of Georgia than from that of the Mississippi region. Impelled at length by what he believed to be a necessity, he submitted to Bedford a new article composed in the following form:

France consents to extend the boundaries of Canada as far as the river Mississippi, which is to serve as a barrier and [the navigation of which] will be common to both crowns; but it is agreed that the possession of New Orleans shall remain with France.[1]

"In any case," he wrote to Ossun,

whether it be this our latest form of the article, or that of England which is to be accepted by the two parties, the king has decided in his council that he would order the French to evacuate the whole of Louisiana, rather than to miss the opportunity for peace on account of the discussion about a colony with which we are unable to communicate except by sea; which has not, and cannot have, either a port or a roadstead into which a xebec of twelve guns could enter, and which costs France eight hundred thousand livres a year, without yielding a sou in return.[2]

At the same time he directed Ossun to emphasize to Charles III the immense risk of renewing the war in case the objections of Spain were not withdrawn. In particular, also, he must show how willing France was to give up Louisiana altogether, and even to cause the departure of the French colonists themselves.[3]

[1] *Ibid.* "Art. vi; tel qu'il est proposé par la France pour moyen de conciliation."

[2] *Ibid.*, September 20, 1762.

[3] "Représentez, Monsieur, la liberté oú est le Roy de céder et même de faire evacuer ces possessions." *Ibid.*, Choiseul to Ossun, September 20, 1762; Ossun to Wall, September 27, 1762.

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Confirmation of the rumors that Havana had surrendered to the English, together with the exhortations of Ossun, caused Wall to notify Grimaldi that the final decision of the matters in controversy was to be left to France. "His Majesty has resolved to act generously," wrote Wall, "play the part of the good thief, and confide the final determination to the French, placing himself thus in their hands so as to come out as well as possible, or let theirs be the fault." [1]

The capitulation of Havana of course enabled Great Britain to render the preliminary articles of peace more severe, and as Grimaldi remarked, to "affect an imperative tone" in most of them.[2] Not only was the clause in the sixth article about the navigation of the Mississippi freed from the ambiguity in regard to the ascent, as well as the descent, of the river,[3] but a series of five stipulations was imposed, on compliance with which Havana would be restored to Spain. One of them called for the cession to England of Porto Rico, or of all the Florida region. France was well aware that Spain would choose the latter alternative, and suddenly decided to relieve her ally of the necessity of surrendering the colony in question. She had already agreed to cede to Great Britain all of Louisiana east of the Mississippi. Now she offered to that power the remainder of the province west of the river, including New Orleans and the island on which the town was situated — in other words, the territory comprised within the limits of the subsequent Louisiana Purchase. The spontaneous offer suited neither England nor Spain. The former rejected it as an inadequate substitute for Florida,[4] while the latter evinced no sentiment of appreciation beyond the mere empty phrases of diplomatic compliment. The Spaniards knew well enough how slight was the importance that the French attached to Louisiana, and hence placed a like estimate upon the sincerity of the trans-

[1] Simancas, Legajo, 4551, Wall to Grimaldi, September 29, 1762.

[2] Simancas, Estado, Legajo, 4552. Grimaldi to Wall, October 29, 1762.

[3] "It being understood that the navigation of the Mississippi River is to be equally free to the subjects of Great Britain and of France in its whole breadth and extent, from its source to the sea . . . as well as the entrance and departure by its mouth." Cantillo, Tratados de paz, *etc.*, p. 489. Also translated in French, Historical Collections of Louisiana, v, p. 240. *Cf. supra*, pp. 446, 447.

[4] *Cf. infra*, p. 453 *et seq.*

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action.[1] Grimaldi, in fact, received orders merely to listen to whatever might be said on the subject, but to take no further interest in it.[2] On the whole, Spain felt that the greater proximity of Louisiana to Mexico warranted rather the sacrifice of Florida and the retention of Louisiana in French hands.[3]

The offer of Louisiana to England, however, proved to be the prelude to its cession to Spain. Acting under the advice of Choiseul[4] and without any diplomatic overtures whatever,[5] Louis XV resolved to turn over his worthless colony, as politely as possible, to his Spanish "brother and cousin," and his Bourbon kinsman received it as gracefully as his conflicting emotions permitted.[6] Accordingly, on November 3, 1762, the very day that the preliminary articles of peace were signed on behalf of the powers concerned, the French monarch wrote a personal letter to Charles III, in which he announced his offer of Louisiana.[7] He then bade Choiseul prepare a secret act of cession for Grimaldi to sign.

The formal proceedings of the two diplomats were simple enough. On the same morning, before the preliminary articles had been

[1] "The French declare that in view of what Spain has done they will themselves assume the indemnity that the enemy asks, but we shall do a very good penance just the same for the ravages already suffered. I know that his Most Christian Majesty has offered Louisiana [to Great Britain], but I am afraid that it will not suffice. . . . We are aware that the French ministers think little of it." Simancas, Estado, Legajo, 4551. Wall to Grimaldi, October 23, 1762.

[2] *Ibid.*

[3] Archivo Histórico-Nacional, Madrid. Estado, Legajo, 3889 A. Wall to Grimaldi, November 13, 1762.

[4] *Cf.* Gayarré, History of Louisiana, 3d ed. ii, 129.

[5] Archivo Histórico-Nacional, Madrid. Estado, Legajo, 3889 A. Wall to Grimaldi, November 13, 1762.

[6] *Cf. infra*, p. 451 *et seq.*

[7] The portion of it that relates to Louisiana is as follows: "j'ay obligé sous le bon plaisir de V. M^te^ le M^is^ de Grimaldi de signer en faveur de l'Espagne la cession de la Nouvelle Orleans et de la Louisianne, je l'avois offert aux Anglois à la place de la floride; ils m'ont refusé, je leur aurois cédé d'autres possessions pour éviter à l'Espagne la cession de cette colonie, mais j'ay craint que une cession dans le golphe ne tirat trop à conséquence, je sens que la Louisianne ne dédomage que foiblement V. M^te^ des pertes qu'elle a faite dans une guerre aussy courte, entreprise pour la France; mais en lui cédant cette colonie j'en considère moins la valeur que le bien qu'elle peut faire à l'union de la Nation Espagnole avec la Françoise; union qu'il est si nécessaire d'établir solidement pour l'intérêt de nos sujets ainsy que de notre maison." Simancas, Estado, Legajo, 4552.

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signed, Choiseul called Grimaldi to his apartments and informed him privately that the French monarch was extremely anxious to indemnify his Catholic cousin of Spain for the sacrifice of Florida. To this end, declared Choiseul, enthusiastically, his royal master was ready to give up any part of his dominions. As a proof of this willingness Louis XV had determined to cede Louisiana to Spain. He had not made the offer of that province to England more tempting by the inclusion of St. Lucia, asserted Choiseul, because he feared the possible consequences to both the French and Spanish colonies of any increase of English power in the neighborhood of the Antilles.[1] But should his Bourbon relative deem Louisiana insufficient to atone for the loss of Florida, the French monarch would evince his gratitude and good will by the addition of St. Lucia as well.[2] Choiseul thereupon handed Grimaldi the royal letter and the act of cession of Louisiana. The Spanish ambassador signed the act tentatively, awaiting the pleasure of his royal master.[3] In this letter of transmission to Wall, however, he intimated his suspicion as to the real nature of Choiseul's enthusiasm over the prospect of relinquishing Louisiana to Spain, and declared that under the circumstances he thought that the province had better stay in French hands.[4] The preliminaries of the cession to Spain having thus been concluded, nothing further about them is mentioned in the diplomatic correspondence of the time.[5] Only the royal signatures, the one of ratification, the other of confirmation, were formally lacking to make the transaction complete.

[1] *Cf.* the letter of Louis XV, p. 449, note 7.

[2] Archivo Histórico-Nacional, Madrid. Estado, Legajo, 3889 A. Wall to Grimaldi, November 13, 1762, citing Grimaldi's letter to him of November 3.

[3] The text of the act is given in French, Historical Collections of Louisiana, v, 235–36. It is practically a repetition of what is contained in the letter of Louis XV, p. 449, note 7.

[4] Archivo Histórico-Nacional, Madrid. Estado, Legajo, 3889 A. Wall to Grimaldi, November 13, 1782, citing the latter's letter to him of November 3.

[5] Writing to Ossun, November 3, 1762, all that Choiseul has to say about the cession is the following: "La lettre du Roy à sa Majesté Catholique et l'acte que je veux de signer avec M. de Grimaldi par rapport à la Louisiane rempliront tout ce que j'aurois à vous dire sur la matière intérésante, dont il s'agit. Les lumières supérieures et le coeur du roy d'Espagne suplieront à tout le reste." Simancas, Estado, Legajo, 4552.

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On November 10 the French ambassador at Madrid informed Charles III of the proposed gift of Louisiana, and handed him the letter of his Bourbon kinsman. "The reply of his Majesty, in his first impulse," wrote Wall to Grimaldi,

> I assure you was worth any province whatever: "I say, no, no, my cousin is losing altogether too much; I do not want him to lose anything in addition for my sake, and would to Heaven I could do yet more for him." [1]

The sentimentality was quite characteristic of Charles III at this time, and Wall had some difficulty in persuading him to accept the offer.[2] On November 13, however, the Spanish king affixed his signature to the act of cession, and ten days later Louis XV confirmed the deed of gift.[3] Not until December 2 did Charles III send a personal acknowledgment of the favor.[4]

The act of France, first in offering Louisiana, almost the last vestige of her colonial dominions, to England, as a means of saving Florida for Spain, and then of ceding it outright to her ally as a partial recompense for what Spain had lost in the common struggle, was a singular mixture of Gallic impulsiveness with Gallic policy. The apparent generosity of the deed is almost pathetic. It would be so in fact had France really valued Lou-

[1] *Ibid.* Wall to Grimaldi, November 13, 1762.

[2] "This stroke of generosity is one of great policy, and we have had some trouble to make the king accept it, and let himself be persuaded for the same political reason that actuated its offer." Wall to Roda, November 16, 1762, quoted in Danvila, Historia del Reinado de Carlos III, t. ii, p. 80. "When once the king had overcome his first generous repugnance that his cousin should lose even a hand's breadth of land, he at length acquiesced and ratified the cession." Archivo Histórico-Nacional, Madrid. Estado, Legajo, 3889 A. Wall to Grimaldi, November 13, 1762.

[3] Text in French, Historical Collections of Louisiana, v, p. 239.

[4] Following is the portion that concerns Louisiana: "j'ay été charmé que V. M. ait saisie le moment de faire la paix, et je ne me souviendrai des pertes que par le regret que j'auray toujours, quelles n'ont pas été aussi utiles à la france et à la gloire de V. M., que je me l'étois proposé, en partageant ses dangers et d'avoir été obligé de céder aux pressants instances de V. M. dans l'acceptation de la Louisiane! le Mr D'ossun, son ambassadeur, sçait combien mon Coeur a combatu contre la sagesse des vues politiques qui ont engagé V. M. à m'en faire la cession, et cependant sans l'espoir que j'ay de pouvoir un jour Marquer à la France les mêmes sentimens je m'y serois constament refusé." Simancas, Estado, Legajo, 4552.

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isiana,[1] and were one able to prove the sincerity and disinterestedness of the motives that called it forth. Rather than pathetic, the performance was almost ludicrous in its precipitation of what must have been a foregone conclusion ever since the offer to England was made. Even prior to this last event France had averred her willingness to part with Louisiana.[2] After the English had rejected the province, to tender it to Spain was assuredly a most natural and logical proceeding. The precipitation, furthermore, lay not merely in shifting the cession from one country to another, but rather in the actual eagerness with which the French shuffled off their ancient possession. Indeed they were actually afraid that Spain might not take Louisiana, or that Charles III might revoke his acceptance of it.[3] The ludicrous character of the French share in the cession also appears in the absolute transparency of the economic and political motives involved. Men of less diplomatic discernment than those old masters of statecraft, Wall and Grimaldi, could have fathomed them without great effort.

In view of the facts and deductions already considered, therefore, the actual cession of Louisiana to Spain ought to occasion no more surprise now than it entailed diplomatic negotiation in 1762. To begin with, the French experiment at colonization in Louisiana had been a flat failure. The province was a useless and costly burden.[4] If France could only shift it from her own

[1] "Une colonie française pleine d'avenir, vierge du fer ennemi, dernier reste de notre empire continental d'Amérique était cédée comme un troupeau." Martin, Histoire de France, t. xv, p. 595.

[2] *Cf. supra*, p. 447 and note 3.

[3] Gayarré describes the precautions taken by the French government to ward off this distressing possibility. He says: "When Kerlerec, the former governor, sent to the French government from the Bastile a memorial showing the utility for France to convert Louisiana in concert with Spain into a commercial depot, in order to render the colony profitable, the minister to whom the memorial was referred endorsed it: 'considering that there are in this memorial some details which might point out to the Court of Madrid proximate causes of conflict with the English, and therefore render the cession of Louisiana less acceptable to Spain, it seems proper that this memorial be recast so as to produce a favorable impression upon that government.'" History of Louisiana, 3d ed., ii, p. 107.

[4] At the very time of the cession, d'Abbadie, the governor of Louisiana, had notified the French government on repeated occasions that the colony was in a "state of complete destitution," a veritable "chaos of iniquities," and that to re-

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shoulders to those of Spain, it would be a wise stroke of economy. Could that be done under the guise of a magnanimous appreciation of services performed, it would be still wiser as a political move. But if the donation of Louisiana would tend to quiet the querulous grumblings of Spain about contraband trade in the Gulf of Mexico, and to keep that colonial beldame faithful to the Family Compact, in case of a renewal of the contest with England — and all of it in exchange for practically less than nothing — that would be a masterly stroke of statesmanship indeed.

Considered from the political standpoint, the purpose of France in ceding Louisiana to Spain was not, as has been commonly supposed, to grant Spain a compensation for the loss of Florida.[1] That was merely the ostensible object of the cession. Intrinsically, to both France and Spain, Florida was worth nothing. As a bar to the entrance of contraband trade into the Gulf of Mexico, and as a station for *guardacostas* the port of Pensacola had been useful enough. But when the French had ceded to England the river and port of Mobile, the value of Pensacola became sensibly diminished, for the act brought with it precisely what the Spaniards desired most to avoid — the assignment to the English of a foothold upon the Gulf.[2] Even with the retention of Pensacola Spain could no longer maintain her jealous policy of hermetically sealing the Gulf of Mexico against the commerce of other nations, if indeed, she ever had succeeded in enforcing it absolutely.[3] A more cogent reason than the bestowment of an indemnity for the loss of Pensacola was that of suppressing the French contraband trade, both overland and maritime, with the Spanish colonies around the Gulf, which had had New Orleans as its centre. In

store a proper degree of order it would be necessary to employ "measures of an extreme character." *Cf.* Gayarré, History of Louisiana, 3d ed., ii, 108.

[1] The prevalent opinion is stated for example by Martin as follows: "Par une convention secrète signée le même jour que les préliminaires le roi de France promettait la Louisiane au roi d'Espagne pour le dédommager de la perte de la Floride, et de l'impossibilité où l'on était de rendre Minorque à l'Espagne." Histoire de France, t. xv, p. 594. The last statement is wholly a conjecture, without documentary foundation. Like most of his Spanish confrères, the French writer interprets the cession very superficially. *Cf.* however the somewhat vague opinion of Danvila, *infra*, p. 454, note 3. *Cf.* also p. 456.

[2] *Cf. supra*, p. 441 *et seq.*

[3] *Cf.* the statement of Ferrer del Rio, *infra*, p. 454, note 3.

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this way France would dry up a source of chronic dispute with Spain.[1] But the dominant purpose of France, after all, it would seem was to assuage the wounds and sorrows of war, and to assure the continued subservience of her whilom ally to the French dynastic policy.[2]

On the part of the Spaniards the cession of Louisiana awakened neither surprise nor enthusiasm nor gratitude.[3] Personal modesty and a sense of compassion for a kinsman in distress were commingled in the sentimental utterances of Charles III which apparently betokened a disinclination to accept the province. It is quite probable, however, that the king's Spanish pride recoiled from the tacit enactment of the rôle of a suppliant to French bounty, making him slow to accept the positive advantages, if any, the newly acquired American wilderness might bring. Through an analysis of this calculation of the Spanish monarch and his ministers one may arrive at the motives that caused the acceptance of the cession.[4]

[1] *Cf. infra*, p. 156, note 4.

[2] A careful interpretation of the circumstances of the cession, and intensive reading of the letter of Louis XV, are quite sufficient to establish the truth of this assertion. For additional evidence of a documentary character, see *infra*, p. 456, note 4. Danvila, it will be observed, states this view of the cession negatively by showing what Spain should have avoided. *Cf. infra*, note 13.

[3] At this point it might be well to give the opinions of several of the more prominent Spanish historians, relative to the significance of the cession of Louisiana. "As a compensation for the loss of Florida," remarks Lafuente, "Spain obtained . . . what was left of Louisiana, which in fact was for Charles III a burden and a care rather than an indemnity or a recompense." Historia de España, ed. 1862, t. x, p. 324. "The fact that Louis XV by a bit of crafty deceit forced the acquisition of Louisiana upon Charles III," declares Ferrer del Rio, "was far from affording any compensation for such a loss [*i.e.* of Florida]. That new state not only troubled the king with the disagreeable task of governing subjects ill-disposed to his service, but threatened him also with the dangerous contingency of a war with Great Britain." Historia del Reinado de Carlos III, ed. 1856, t. i, p. 377. Danvila is the most recent and best informed of the historians who have dealt especially with the reign of Charles III. He says: "The cession of Louisiana on the part of France as a means of rendering our misfortunes less acute remedied the situation and consequences of the past war in no respect. It served merely to demonstrate . . . the necessity of modifying the course of policy, and for the future of relying wholly upon one's own resources when about to undertake those enterprises which every self-respecting nation is obliged to inaugurate when the question arises of defending the integrity of one's country." Historia del Reinado de Carlos III, t. ii, p. 84.

[4] See *infra*, p. 456, note 4.

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The disadvantages involved in the acquisition of Louisiana were obvious enough. Neglect and misgovernment by France had brought the province into a deplorable condition. The lack also of any adequate system of taxation for the support of government and the maintenance of the church made Louisiana, in the eyes of Spain, a pauper colony, a sort of public charge that probably could not take care of itself financially or otherwise. It was the first colony Spain had ever held that had not been settled originally by Spaniards. A new system of colonial administration and different social institutions would have to be superimposed upon the French inhabitants, who probably would be disaffected and hard to govern. Its proximity to the English colonial dominion on the other side of the Mississippi, moreover, might engender friction and perhaps bring on war with Great Britain. Nor was anything known about the nature or value of Louisiana itself, beyond the sparse settlements along the Mississippi; and these were quite insignificant. As a substitute for Florida, finally, the odds of intrinsic value appeared about equal.

But these drawbacks lost their importance before the arguments in favor of accepting and retaining Louisiana. To begin with, the great benefits to be derived from an adherence to the Family Compact were not perhaps quite so patent to the Spaniards as to the French, but at all events it was not the part of wisdom to alienate France by a rejection of her gift.[1] Besides, the possession of Louisiana was useful, if for no other reason than that the Mississippi furnished an admirable line of demarcation for the Spanish dominions in North America. Apart from this consideration, however, if Spain did not take the province it might fall eventually into the power of the English.[2] Developed under the

[1] "A great influence with the king has been the consideration of not losing the effect of so fine a deed, the air of cordiality with which the two courts will appear before the world, serving to bring together the two nations still more." Archivo Histórico-Nacional, Madrid. Estado, Legajo, 3889 A. Wall to Grimaldi, November 13, 1762.

[2] "Lorsque cette malheureuse convention fut rendue publique le cabinet de Versailles tâcha d'apaiser l'opinion, profondement blessée, en insinuant dans ses justifications officieuses que la Louisiane était menacée du même sort que le Canada, et que l'on n'abandonnait que ce que l'on n'eût pu garder longtemps." Martin, Histoire de France, t. xv, p. 595.

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auspices of that mighty and enterprising people, Louisiana would assuredly become dangerous to the peace and safety of Mexico. Even in the hands of Spain the province was too vast in extent to serve as a very effective barrier against English aggression. Still, on the whole, Louisiana had better be even loosely defended by Spaniards than suffered to become a sturdy and vigorous English colony, with its fortified posts well advanced toward the Mexican frontier.

All things considered, from the commercial and political point of view furthermore, the loss of Florida had been quite a heavy blow to Spain.[1] The acquisition of Pensacola, added to the cession of Mobile from France and the previous possession of Jamaica, gave the English such a hold upon the Gulf of Mexico that the imposition of any adequate check upon their contraband trade with the Mexican region appeared well-nigh hopeless.[2] But if the English had thus been admitted to the Gulf it was some satisfaction at least to know that with New Orleans under Spanish control, French smuggling would be suppressed.[3] Lastly, that Louisiana possessed some natural wealth could not be doubted, and under a wise administration its resources could be developed, alike to the profit of Spain and to that of its new province.[4]

[1] *Cf. supra*, p. 453.

[2] By the acquisition of Florida "the English realized their desire of old to get a footing on the shores of the Gulf of Mexico, so as to carry on their commerce with New Spain, the only section of country in the western Indies free up to that time from their illicit traffic." Ferrer del Rio, Historia del Reinado de Carlos III, ed. 1856, t. i, p. 377. In his correspondence with Tanucci, the Neapolitan minister of Charles III, Wall declared that, in his opinion, the real advantage which England gained by the acquisition of Florida was nothing more than a greater facility for navigating the Gulf of Mexico. Simancas, Estado, Legajo, 5978. Wall to Tanucci, December 14 and 28, 1762.

[3] *Cf. infra*, note 4.

[4] Several of the motives above discussed as actuating both France and Spain are set forth in an official brief (*extracto*), prepared about 1767 for the Council of the Indies. It states that the king of France decided to cede Louisiana, principally because he desired to "maintain the closest possible union and friendship with Spain." Since also, the Spanish commerce with the Indies was so flourishing, he did not wish to have a settlement on the Gulf of Mexico which was likely to carry on an illicit traffic, practically impossible to prevent, and which "contrary to his intentions might lead eventually to unpleasant disputes. To this end he authorized the Duke of Choiseul to draw up an act of cession, pure and simple. Aware of these circumstances, his Catholic Majesty . . . was inclined to accept it for various considerations:

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Thus having described the cession of Louisiana in 1762, and explained the motives of France and Spain in accomplishing it, a few words remain to be said about its meaning for the history of the United States. Few diplomatic transactions have exhibited so strange a medley of motives and emotions — at once those of impulsiveness, policy, relief, reluctance and practical calculation, all of them pervaded with a tinge of indifference and carelessness. To the Frenchman and to the Spaniard of 1762 the transfer of a vast and unknown tract in the wilds of North America was, on the whole, a rather trivial performance. Had they realized that the Louisiana territory stretched over 900,000 square

"1. Because, by adding to his dominions of New Spain the territories which his Most Christian Majesty had possessed between them and the River Mississippi, this river from its mouth to its source would serve as a fixed and definite boundary for his royal possessions in North America.

"2. Because, by this acquisition the French would be deprived of a point of vantage from which they had carried on very extensive smuggling operations in the Gulf of Mexico, and more especially along the shores of Campeachy and Honduras, not to mention what they were accustomed to do in the interior of the country.

"3. Because, although granting that this new acquisition might be a heavy burden upon the royal exchequer — in view of the fact that no taxation had been levied there, even to the extent of tithes for the maintenance of the clergy and worship, it being necessary to provide for it by a regular appropriation — one must bear in mind that this appropriation would have a substantial return from the diminution of illicit traffic, and from the advantages that would accrue to the king's vassals by reason of the commerce of that new dominion.

"4. Because, were his Majesty to decline the cession, the eventual fate . . . of the colony would be doubtful; and if by any chance it might fall into the hands of England, in time of peace it would be steadily developed and fortified in the direction of the frontiers of our dominions, it would become widened out along the Missouri and other rivers, the good will of the Indians would be won over, evil reports would be circulated against us, and in case of an outbreak of war the colony would be close to us and well equipped for attacks by way of the provinces of Texas and New Mexico. It was never believed that this . . . colony would become a bulwark for our America; the supposition has always been that should the English intend to invade it, even if we had a large force of troops there, we could not seriously check their movements along an extended frontier of five hundred leagues." The last sentence of the *extracto* is rather difficult to translate, and requires a paraphrase to make its meaning reasonably clear. The text is as follows: "Pero se consideró que no seria lo misneo entrar de nuevo que tenerla ocupada de antemano, y hallarse ya adelantados y fortificados á nuestras espaldas." "But the consideration prevailed that the invasion of Louisiana, were it a Spanish province, would be something quite different from suffering it to be developed and fortified by the English at our very back." Archivo Histórico-Nacional, Madrid. Estado, Legajo, 3889 A.

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miles — an area more than four times that of France or Spain — but little difference, probably, would have been made in the readiness of France to part with it, and in the comparative reluctance of Spain to take it. Perhaps it might not be too much to say that in the bizarre diplomacy of 1762 over the cession of Louisiana to Spain, the fate of the United States yet unborn was decided. Had France assigned the territory to England in that year, or if she had retained it, the history of the period 1789–1815 justifies the belief that the result would have been the same; the region must have become a part of the British colonial dominion. When the United States was in its infancy, all conditions, geographical, political, social and economic, pointed toward the formation of two confederacies, one along the Atlantic seaboard, the other along the Mississippi. For many years, if not for all time, that river must have been at once the western boundary of the United States, and, even had that country retained its unity, a bar to its national development.

However unconscious and unwilling her course of action, Spain has been the most potent external factor in the territorial expansion and aggrandizement of the United States. Most of the great republic's domain was once under the Spanish sway. The cession of Louisiana to Spain in 1762 was the necessary prelude to the purchase of 1803, and the story of the West beyond the Mississippi has been in the highest degree the story of our national prosperity and power.

WILLIAM R. SHEPHERD.

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EGYPT AND ENGLAND.[1]

THERE is no known method of governing which is not applied to some portion of the British Empire, and no two portions of it bear an identical relation to the home government. I suppose we may now call Egypt the latest important acquisition of the British crown. The method of acquisition and the method of control, however, are alike marked by the most extraordinary indirection, for neither ownership nor rule is complete. As yet Egypt is under the nominal suzerainty of the Porte and pays to the Sultan a large annual tribute in recognition of that fact. But Mehemet Ali, after England had wrested the country from the French in 1803 and restored it to Turkey, got up a petty civil war, had himself elected Pasha, and wrung recognition as a semi-independent ruler from his suzerain. Until 1831 he crushed one form after another of resistance to his power, and by his son Ibrahim reduced Syria to his sway. This was a wonderful man: but that England forbade him he would have thrown off entirely the nominal rule of Turkey. He was ruthless in his dealings, but he reformed administration, laws and education to what, for the time and place, was a wonderful point.

His successors down to 1863 were unimportant and mediocre persons. It was from one of them, Said Pasha, that the concession for the Suez Canal was secured by the French. The great enterprise was undertaken in 1859 and the work was done by what amounted to forced labor, the tale of workmen being secured by laws of a despotic nature. In 1863 Ismail, the grandson of

[1] This article is based on Lord Cromer's report for 1902, a masterly review of twenty years' work, on Lord Milner's England in Egypt, on a few volumes and articles now useful only in parts, and on notes made by the writer while sojourning in Egypt for nearly four months during the season of 1903–1904. The recent diplomatic arrangement between France and England does not appear to have gone further in regulating their Egyptian relations than the removal of friction in the management of the finances. This, however, as the context will show, is a matter of vital importance, destined to free the action of Great Britain in almost every important reform.

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Mehemet Ali, came to the throne. Educated in Paris, he made a great display of European culture; railways and canals, especially the Suez Canal, were pushed to completion at a dizzy rate, and there seemed no limit to his care for agriculture, which is the one resource of the country. New irrigation ditches of great dimensions were opened, dug by forced labor of course. The Suez Canal was completed in 1869: four million two hundred thousand pounds were spent in the festivities at the opening. In fact money was spent so lavishly on all occasions that the public debt, secured by successive bond issues, became tremendous. At the same time it was found that he and his favorites were accumulating enormous private fortunes.

The public finances were soon in distress, and in order to raise the wind Ismail sold to England in Disraeli's administration (1875) all his Suez shares, 176,602 in number. There being all told 400,000 shares, this purchase, along with what was already held by individuals, gave to British shareholders a controlling interest in the French company. The block was then worth four millions sterling; it is now worth twenty-five millions. What was more important, it was a crushing blow, of course, to the predominance of French influence. Things went from bad to worse with the finances until Ismail's government became shamelessly venal and the peasants were cruelly oppressed. European bondholders were justly uneasy and interest was not forthcoming. In 1878 France urged the coöperation of Great Britain in securing control of Egyptian finances and a joint commission of inquiry was appointed. The debt was ninety millions sterling, the interest about two and a half millions. This Ismail extorted with such cruelty from the peasants that their cries ascended to heaven: under pressure the Khedive (a new title given him by the Sultan in 1867, as an acknowledgment of virtual independence) agreed to rule thereafter by a cabinet. One was formed and, at Ismail's own instigation, mobbed, the two principal ministers, those of finance and public works, being English and French respectively, and the nominal head an astute Armenian, Nubar.

This governmental device was well understood to depend on the European representatives in Cairo, the consuls-general. Nubar

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demanded from them a larger army, which he got, and other powers to which they could not assent. After reducing the interest on the debt, he resigned and was succeeded by Taufik, the heir-apparent, as prime minister. In a very short time Ismail dismissed the whole cabinet and appointed a new one consisting entirely of natives: this was done to conciliate the upper classes, wealthy Turks who had grown rich at the expense of the poor, and it was speciously represented as a national movement. It was an effort of course to throw off international control before it became too strong. England and France immediately demanded Ismail's deposition at the Porte, and although the Khedive had sent enormous bribes to Constantinople, the Sultan was nevertheless at the disposal of the powers.

Ismail was succeeded by his son Taufik on May 25, 1879, and five days later left for Smyrna, taking with him an enormous fortune and a numerous harem. He died in Constantinople in 1895. At once, after his departure, the international control was restored in Egypt, and a commission of liquidation set to work reducing taxes and instituting various reforms. The abuses of oriental conditions by European consulates are notorious: at times the right of exterritoriality has been so extended as to give consuls perfect control over hundreds of natives who are ostensibly in their employ but are really fugitives from justice or recalcitrant to the customs of their people. Long endurance of that outrage and the fact that Egypt has been for ages a refuge for the scum and outlaws of southern Europe, combined of course with religious fanaticism and national pride, resulted in an exasperation among high-spirited natives that finally ended in Arabi's rebellion against what seemed an effort to render intolerable conditions permanent. He and his agents aimed to increase the native army and get control of Taufik.

In this last they succeeded and were rapidly making headway with their other plans, when on May 25, 1881, the consuls-general of France and England demanded the banishment of Arabi and the resignation of the cabinet in which as minister of war he was the ruling spirit. The Khedive yielded, formally; but under the plea of repressing the disorder which was now becoming general in the great towns he continued Arabi in place and actually dec-

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orated him for his services. On June 11 the natives of Alexandria began to riot and killed a hundred and fifty Europeans, the life of the British consul being saved with great difficulty from those who pursued and stoned him. Both France and England had been gathering a fleet in anticipation of trouble. France remained inactive, but on July 11, when the news of Arabi's successes and of his decoration for the sorry work was confirmed, seven British warships bombarded the town. The rabble with oriental versatility employed their opportunity in burning and plundering beneath the hissing shells. Three days later, July 14, the British finally landed marines and restored order. They likewise occupied a number of forts commanding the town. In the sequel a commission of indemnities awarded nearly four and a half millions sterling to those who suffered from the bombardment.

Under such pressure Arabi was dismissed at last and immediately began to organize his many followers for war. On August 15 Wolseley arrived and on the 18th his army. The British fleet seized the Suez Canal and gave the company a hundred thousand pounds as indemnity. On September 13 the English met Arabi at Tel-el-Kebir and overwhelmed his force; two days later they occupied Cairo; and at Christmas Arabi was sent as a prisoner to Ceylon. England had nominally and ostensibly conquered Egypt for its Khedive, who of course had yielded to Arabi under the stress of necessity! That was made as clear as words and deeds could make it. It would have been a simple thing then and there to have declared a protectorate; but politics was just then very tangled in Europe, and out of deference to French feeling no outward sign was given. In fact Gladstone declared that English intervention had no other aim than to restore order. This was certainly said in good faith, and the Liberal government certainly intended to evacuate Egypt in due time.

But restore order! Neither the ignorant, venal Pasha class of Turks who had misgoverned the country, nor the ignorant, rash, inexperienced natives of the Arabi class, nor the existing ministers with their bureaucracy — no one in Egypt could either restore or keep order. Fire kindled almost immediately in the farthest Egyptian province, the Sudan. In 1883 two Egyptian

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expeditions under English generals were wiped out by the fanatic leader who called himself by the style of Mahdi (Messiah) and his followers by that of dervishes (devout). Next year Gordon took command, tried his fortune on a reasonable plan, but was not properly supported, and Wolseley, sent to reinforce him, came too late. In 1885 the Sudan was lost and the Mahdi reigned at Khartum. What was to be done to keep Egypt at all for its Khedive and regenerate the land so that resources even for self-preservation might be created? Should the English destroy existing institutions root and branch, or put life and decency into the old? In a forcible way England announced that Egypt would be ruled as always, only now by the "advice" of Great Britain as conveyed through her consul-general and minister plenipotentiary in Cairo.

After a few trials the right man for that important position was found in Evelyn Baring, now Lord Cromer. Lord Dufferin came, saw, diagnosed, and laid down the lines of action. These lines have in the main been followed, and in times of uneasiness the word of power has been spoken from the respectable but insignificant mansion which is the British diplomatic agency and consulate. Reform progressed so rapidly and financial prosperity came so quickly that in 1889, the Mahdi being dead and his successor worthless, preparations began for the reconquest of the Sudan. After two years of preliminary movements, Kitchener wiped out the Dervish force at Omdurman with an army which was partly Egyptian but also partly English. Victory therefore was not followed by a complete restoration of the vast and indefinite territory of the Sudan to Egypt as an Egyptian province: a separate government known as the *condominium* of England and Egypt, purely military, under the Sirdar Kitchener, commander-in-chief of the Egyptian army, was established at Khartum. The British and Egyptian flags fly side by side throughout the Sudan, whose limits, now that France has been shouldered out of Fashoda, are fairly definite and comprise a territory as large as all central Europe.

So much for the historical outline; what was the organic force? A certain number of Englishmen were appointed to the higher offices in every branch of the administration, and they were ex-

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pected by the exercise of common sense and with the moral backing of British prestige, gradually to revolutionize the spirit of every department. This they began at once to do; their first concern being the irrigation system, which is initial and central to Egyptian well-being. Hitherto the great proprietors had taken water from the canals, when, where and how they pleased, by the simple process of bribing the officials and bullying the peasant owners at will. This was instantly stopped, and what the rich lost the peasants gained. The former class turned sullen and bitter, but their obstruction was futile. Immediately there began a vast development of paid public labor, the curse of the *corvée* or forced labor being abolished at a cost of nearly half a million sterling. Every energy was concentrated for the wider and cheaper distribution of Nile water to the cultivators by repairing the old works and building new ones.

But even ample water at a fair price could not pay the peasants' debts. For ages Greeks, Syrians and Copts, all avowed Christians, had been the usurers of Egypt, and like the Jews in Europe, they held the people in galling bonds. They bribed and combined with the tax gatherers to strike abject terror into every heart by irregular, uncertain and unjust methods of collecting taxes and interest, both of which were for the most part paid in kind. The rate of interest ran as high as sixty per cent, and the security was the growing crops! France and England already had control of the finance, but as they could not agree about methods of reform, France withdrew. The land tax was the foundation tax, and only by thorough discipline of the collectors could it be justly laid and raised. This England undertook alone and accomplished, but in the process her extra-legal financial adviser, really controller, revolutionized both the personnel and the methods of what is the largest portion of the entire administrative system.

The first step was to inaugurate a system of penurious economy in every department except that of public works, which directs the irrigation system. There was terribly bitter feeling far and near, from the Khedive's ministers down; for England not merely gave "advice" to the ministers, it peered into every department of administration to the limits of the land by means of its in-

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spectors. The Egyptian bureaucracy felt its prestige annihilated; and but for unprecedented caution and manners of un-British inoffensiveness this would have been the case. With the ultra-caution of the officials the situation, however, was saved. A few, a very few, Englishmen ran to and fro examining, regulating, correcting; they were almost ubiquitous, yet the face of the native government "was not blackened" as the people say in the metaphor of their native Arabic. In fact, as it was definitely settled that Great Britain would not assume the government, many important concessions were made to native prejudice and feeling. This was a very hard and very risky course, for the failures of the ministry in any direction would naturally be attributed by the jealous public opinion of Europe to English mismanagement. Nubar the prime minister had already succeeded in diminishing the abuses of the consular courts by organizing mixed tribunals, composed of native and European judges, and competent in all disputes between natives and strangers. He was now permitted to try his hand at the reform of the pure native courts, and he signally failed. In the menace of immediate bankruptcy the English took funds from the treasury for purposes not permitted under the international control of the finances and there was a terrible outcry. And the Egyptian army with British officers in the Egyptian service had lost the Sudan! France and the French newspaper organs rent the heavens with remonstrance and abuse. A French paper of Cairo was so scurrilous and so traitorous that it was suppressed, and by means which the French consul showed to be illegal. Altogether the middle eighties in Egypt went far to destroy British prestige in colonial administration. As under the conditions prevailing the interest on the debt could no longer be paid, radical measures seemed necessary to all Europe.

Patience was essential, or at least a substitute for patience, and the substitute was at hand. England grew uneasy under the Irish question and left her agents to themselves, creditors were timidly quiet and clamor ceased when the world realized that to hound the English in occupation was to ruin themselves. The doctors at the bedside might be ill-advised but there were no others to take their place, not only no better ones, but absolutely none. Throughout 1884 and 1885 the powers discussed;

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and when the plain facts were made known a reasonable arrangement of the finances, since called the London Convention, was drawn up and signed in March, 1885. The astute Nubar saw that England had come to stay; an able man and a true patriot, he had fretted under her control; and after making one last futile effort to shake it off by an appeal in person to the continental powers and to England herself he resigned. The second greatest obstacle to British success was thus removed.

As a proof of the esteem in which the English held him one may see in All Saints Church, Cairo, a tablet to his memory as that of a just man! In fact his own people had long since ceased to love him, for they could not realize how helpless he had been and blamed him for every English advance. His last and final defeat was in the reorganization of the police system, when he made unwise nominations and was discredited by their rejection. This he gave as the ostensible reason for his resignation. Lord Cromer is a quiet and a stern man; it was seen how unwise it had been to raise an issue with him. For, all this time there was a British army of occupation, and the Sudan affairs made it easy to post its detachments at every strategic point. An awful outbreak of cholera brought British inspectors into every hamlet almost simultaneously, and the simple code of health laws was rigidly enforced in spite of numberless outbreaks of fanatical resistance. The mailed hand was at every man's door; and, though it was there only in beneficence, it was felt to be a mighty fist that could easily strike in anger.

Then began almost magically the complete turn in British luck with Egypt. Her agents have been able from that hour to play the strangest game of government that ever was played and to play it with signal success. Their policy of Egypt for the Egyptians, of the restoration of order and the establishment of prosperity by means of Egyptians and as far as Egyptians can carry it, has never faltered for one moment. The complexities of its realization are infinite, the hollow and side-splitting farce of Turkish suzerainty, the comedy of khedivial rule, the melodrama of continued international control — all these are played with a zest worthy of reality and an artistic skill that produces the effect of the highest naturalness. It seems to pay, this puz-

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zling complexity, difficult and illogical and opportunist as it is. For already Egypt is a solvent, peaceful, regenerate, happy land. Even Moslemism has ceased from its fanatic agitations, for the time, and the highest authorities of Islam give their edicts in consonance with British policy.

Here is a sample or two of the way it works. The English army of occupation has been reduced to a few regiments; in Egypt proper, three thousand men all told or thereabouts. Yet the military power of Great Britain in Egypt is tremendously strengthened. Why? Because in 1884 the Egyptian peasants, beggared and abused, so hated military service that on the slightest provocation, in presence of the enemy, they threw down their arms and ran; with Moslem fatalism they even sought death as preferable to the long torture of their lives. Now after years of kindly treatment they prove faithful and courageous soldiers, good on the march, trustworthy in battle. As the Sirdar or chief commander is a British general, the Egyptian army not only holds Egypt for England, but it could be immediately employed in any sudden crisis to put down rebellion in the Sudan, where at Khartum there is a mere handful of English soldiers. As things are, the British troops in Egypt have no status whatever, they are merely uninvited guests. Morally their presence produces an enormous effect, of course, in upholding Cromer's authority, but really it is already the sanction of the Egyptian army which is behind British administration and British control. By way of making the situation complete, the coal-black Soudanese have been enlisted and formed into battalions. While the Egyptians have a passion for drill and fight quite well enough, the Soudanese are impatient of drill but fight as few other soldiers in the world.

The total force is under fifteen thousand. They are so distributed as to protect the only frontier line which requires defence — that on the extreme south with the eastward outpost of Suakin on the Red Sea. Three or four thousand are scattered here and there down below, partly for display, partly to insure internal order in case of extremity. Their minor officers are in the main native Egyptians of Arab, Coptic or Turkish extraction. In them lies the weak point of the military structure. They are impatient of education and discipline, they lack character and

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initiative. Their own claim is that they are kept down and deprived of opportunity. The British rulers of Egypt are extremely anxious for high quality in the men of their own blood employed in the country, and since they know that an increase in the number of British officials, civil and military, would mean a lower standard of capacity, they are growing uneasy lest the company officers should fail and have to be replaced by commonplace or low-grade Englishmen. They appear therefore to be on the eve of an experiment, that of taking the native officers at their word and giving them their chance, reducing the number of higher British officers as the others rise to replace them.

The greatest value of a journey through Egypt is that the traveller is forced to perceive how closely the state stands related to its folk. All life is so simple and so primitive that cause and effect are directly, momentarily visible. In this simplicity it was and can now be seen how Ismail, wickedly prodigal, created a burden of debt the interest on which must be paid by direct taxes. These taxes fall chiefly on the land, and they increase in exact proportion as taxable property diminishes from want of water or other disaster. On the other hand, they decrease as there is plenty of water to make plenty of taxable land, or as other minor almost negligible forms of prosperity create other although less important taxable property. With the observant eye is literally seen, and not deduced by tedious economic logic from masses of statistics, exactly how public utilities create private property: in this case how irrigation works, which can only be constructed at public expense, bring immediate return to the government by what is paid for water, by what is created for taxation, by the increased well-being of the people and their consequent contentment. To the individual the efficiency of the government is everything: with a certain supply of water, he can raise one crop, with more another, with a perennial supply still a third or even a fourth. This of course reacts directly on every department of life, on wages, on imports, on barter, on exchange, on security, on the welfare of man and of men. Here is political, social, financial economy in a system easily comprehended by any clear mind. With a thrifty, almost parsimonious administration

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taxes are diminished in their incidence upon each unit, exactly as there are more units on which to lay them.

When Ismail was deposed, by a law of liquidation the debt was consolidated at its face value, almost a hundred million pounds (nearly a third of his borrowings had been retained by the lenders as commission), and the interest was scaled down on the various divisions of bonds to five and four per cent according to terms and security, until the interest account called for about three and a half millions a year. By the tribute to the Porte and by what was guaranteed to England as return on her Suez Canal shares this sum was raised to about four and a half millions per annum, almost half of the total revenue of the country at the time. From the other half, another portion was deducted as a sinking fund. This amounted only to a million, when at a bound Arabi's rebellion and the revolt of the Sudan, following each other in a brief space, added ten million to the debt. Yet the law was still in force when peace came and the revenues rose by leaps and bounds; in the single year 1883, eight hundred thousand went to the sinking fund. Unfortunately the expense of administration rose too, and double that sum had to be found to meet the deficit in the budget for administration. This absurdity was carefully studied by experts appointed by the various powers who met in convention at London in 1884, and on the basis of their reports a binding agreement was reached in 1885. Six commissioners from as many powers have absolute control of the debt; these nations guaranteed a new loan of nine millions which was raised at about three per cent, entailing an annual charge of three hundred and fifteen thousand pounds. The new loan wiped out all outstanding debts and furnished a million for irrigation. This was so wisely spent that it returned in a single year new receipts nearly equal to the capital.

Under the London Convention things work somewhat in this way. The commissioners of the debt are known as the *Caisse de la Dette* — *Caisse* for short. The *Caisse* takes, as under the law of liquidation, a certain share of the revenue, about four-ninths; the rest goes for administration to the government. The latter makes a budget which is authorized by all concerned. The *Caisse* first pays all the bond coupons and from the surplus pays

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any deficit in the authorized budget. Should the *Caisse* still have a surplus, it shares it equally with the government. The bulk of the latter's expenditure was permanently fixed by the London Convention, the variation from year to year occurs in items that cannot be prearranged. Should the *Caisse* have a surplus — as it surely does — say of half a million, and the government an authorized deficit of three hundred thousand and an unauthorized deficit of fifty besides, the *Caisse* hands over first the three hundred, then halves the remaining two hundred, and then, having still a hundred, it halves this again, paying fifty to the government for its unauthorized deficit and applying the other fifty thousand to the reduction of the debt.

Complicated as is the system, it is not confused, and it works very well in composing all the constant trouble, the complaints and jealousies of the ever quarrelling six powers, five of which have really no interest in Egyptian affairs except to safeguard their citizens or corporations who are bondholders and — of course — to diminish England's power and prestige. The only exasperation is this, that to increase the amount of authorized expenditure for administration the consent of the powers has to be asked, and while from time to time they do give it, they are inclined to be grudging and nasty. This fact has made splendid internal reforms like those of education and justice very slow, and hence for these and similar purposes the enlightened rulers steadily increase the unauthorized budget. The *Caisse* has accumulated a considerable reserve fund, but so has the government; and so far the latter has not made any call on the other, meeting extra charges from its own funds. But further and very serious trouble is almost certain, for under this system the government is bound, whenever it does not secure an increase of authorized expenditure, to raise by taxation exactly double the amount it has need of for itself. This is a cardinal fact. To remove or at least diminish this serious difficulty is the most important of the questions lately negotiated between Paris and London.[1]

There has already been one illustration of what may prove an

[1] As nearly as an outsider can comprehend the rather confused accounts of the recent Anglo-French agreement so far given to the public, about six million pounds are thereby released for use on public works.

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almost insuperable difficulty hereafter. There have always been foreign experts, so called, and many of them in the service of the Egyptian government. At one, and that the formative, period most of these men were French, and with time some of the most important offices have come to be regarded by France as hers of right. To these she especially clings since throughout the Levant her influence, once paramount, is now steadily waning and is in fact entirely jeoparded by the hostile attitude of the government to French Roman Catholic missions. Under these circumstances secular power is not willingly relinquished, and no occasion is so lofty, no purpose so high, as to prevent France from demanding returns, however petty, for anything she yields. For ages it had been a matter of course in Egypt that irrigation canals should be built and maintained by the *corvée,* that the forced labor of the peasantry should be exacted with tyranny and corruption at their busiest season, and that it should be used quite as often for the private advantage of high officials as for state purposes. It was the preëminent abuse of oriental government. The English first stopped the abuses and then proceeded to abolish the system. Four hundred thousand pounds a year was needed. In the course of unifying and funding the debt great economies had been secured and the taxes correspondingly diminished. Under the various laws a saving of two hundred and fifty thousand pounds a year had been effected, and this could by the assent of the powers be applied to the abolition of the *corvée.* For three weary years the peasants sighed and groaned before France would assent definitively, and that she did only after securing certain substantial advantages in return.

As the financial revival has proved itself continuous everything has steadily improved. There is no tyranny, and, considering oriental ideas, very little corruption in the collection and distribution of the public moneys. In order to diminish the rate of interest by conversion, the capital of the debt has been somewhat increased, and a further increase of about one and a half millions has been caused by borrowing for public works. But the proportion between income and outgo has steadily improved, and together the *Caisse* and the government have saved some millions as a reserve fund, on which from time to time drafts for pub-

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lic works are authorized. If this amount were deducted from the amount of the debt, the capital and interest would alike be diminished, but the government would lose its hard-earned liberty. As matters are, the soil yields far greater returns than ever, even allowing for an unprecedented decrease in prices; exports and imports alike increase, so that customs receipts mount ever higher and the receipts of the railways are of course larger and larger as there is greater and greater prosperity.

Take the central, vital, focal, inclusive question — that of water. In Lower Egypt, north of Cairo, there is some rain, but its value for agriculture is nothing. In Upper Egypt a light shower of five minutes' duration is rare, and soaking rain a phenomenon. But far in the heart of Africa under the tropics abundant rains are as regular as the seasons. So the great river, "which is Egypt," is for some months by nature a swollen devastating flood, surcharged with a deposit of fertility in the shape of red virgin soil. The alluvion of this soil has for untold ages made and re-made the shore strips of tillable land, and the floods, in their turn, have repeatedly torn this ground away to increase the delta or to be wasted in the Mediterranean. But between the bed of the river and the hills on either side are great expanses which of itself the water never reached. Accordingly the Pharaohs built canals parallel to the river and opening from it, from which water could be drawn for irrigation at considerable distances from the banks, and one monarch made a vast reservoir out of a natural depression in the soil, the Lake Moeris which Herodotus describes. This last was suffered to fall into disuse; the canals, however, have been to some extent rebuilt or maintained, and we still see on some reaches of the river retaining constructions which are said to date from very early times.

So things remained until the French designed and built a dam below Cairo on a most elaborate scale; it was intended to hold up the Nile when high and distribute the waters when needed to Lower Egypt. But their *barrage* would not bar. The masonry, when the sluices were closed, could not bear the strain and began to bulge. It was claimed that no foundation for such a work could be secured in Nile mud, and the beautiful, costly structure stood for years unused. The British engineers put an apron of

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masonry laid in cement before its base and further strengthened it by stone weirs parallel with the current. It now holds up the high Nile, distributes red water where needed the whole year round, and works so perfectly that the two arms into which the river bifurcates just below it receive just enough water to keep navigation open and no more: one of them will probably soon be reduced to a canal.

So magical was the effect of this perennial irrigation on the direct returns of cotton, sugar and other staples that the government next built and put into successful operation a similar structure at Siut, two hundred and fifty miles further up the river, and it has just completed the stupendous dam at the first cataract, six hundred miles up from Cairo. When all the canals which the Nile can feed are completed, the arable land of Egypt will be doubled in acreage; and since almost the whole of it will be irrigated throughout the entire year, it will produce at least three crops! The population has already increased thirty per cent since 1882, and double the number of persons will soon live in peace and plenty on it. Many see the day in the early future when the stupendous current of the Nile at flood will be curbed like a steed, when there will be no devastation, and the irrigation engineer will have the tropical rains under control as the locomotive engineer has his machine. It was a stroke of genius to discover that the great reservoirs behind the dams already created or yet to be created need not be settling vats, arresting the fertile turbidity of the water, provided only the water were liberated, as it is, from the bottoms of the sluices and not from the top.

These may be considered the triumphs of British administration already either won or in sight. Taxes diminished, equitably laid and honestly collected; the complicated financial system made to work smoothly and economically; railways, post-office and telegraphs all excellent and efficient, with the trunk lines steadily lengthened, officials efficient, decent and honest; the army made effective for the national protection, the frontiers defined and protected, the Sudan reconquered and the personnel improved beyond recognition. These reforms and achievements have been slow and sure, the miracles of the irrigation department have

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been swift and impressive: the total is likely to dazzle the traveller.

But in the lines of education and justice the case has been different. The police system leaves much to be desired; both insanity and certain classes of crimes, especially those against the person, have steadily increased. These are very knotty problems, because unlike the others they are inextricably complicated by the unity of Mohammedan religion with Mohammedan law and by the training of the young. The matter of education can be dismissed in a few words. The mosque of El Azhar in Cairo is the greatest centre of Mohammedan learning, so called: boys and young men of all ages to the number of about nine thousand attend there, at one time or another of the year, upon the instruction of self-appointed teachers. These commend themselves by their knowledge of classical Arabic, the Koran, and the commentators on the Koran who have written Mohammedan theology and jurisprudence as traditionally derived from the book. Very, very few are interested in either of the higher studies: for in Islam there are neither priests nor lawyers. The services of the mosques are performed by laymen distinguished for their known fanaticism and devotion: the Cadi hears all causes, listens to any pleading there may be by the litigants or their friends and gives his decision. Hence the really learned are few indeed; and they pursue their studies either in the hope of getting slender fees for teaching or of obtaining the higher appointments made by the chief of state, all of which combine in their duties both secular and religious elements, with a predominance sometimes of one, sometimes of the other. The Mohammedan world is an effort to expand patriarchal authority to the utmost.

Most of those who attend El Azhar therefore learn to read and write, and to recite the Koran: their arithmetic is either nonexistent or negligible. With this outfit they return to their homes as schoolmasters. Every village of any size has a mosque, larger or smaller, and connected with it a school where little children sit swaying and committing by heart chapters of the Koran, no single sound of which conveys the slightest meaning to them, for spoken Arabic is even less like classical Arabic than our speech is like that of Chaucer. They may also be seen writing with a

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sharpened reed on a whitewashed board, but not often. Otherwise their master carefully instructs them in bitter hatred for Christians, who are represented as a sort of modern crusaders, ready to devour every person and thing not of their own faith. This is a fair account of the education of Islam, as enjoyed by Egyptian boys; the girls get no attention, though some of them pick up by hook or crook nearly as much as their brothers. The Copts have from immemorial times had convents and schools where the formal learning of their church was taught with such intense interest that they actually forgot their own language. Of recent years these schools have had some new life infused into them under influences of which America may well be proud, *viz.*, the mission schools of the United Presbyterian Church, directed and supported largely from the state of Ohio.

A short time since there appeared in the most influential of the Paris newspapers an article declaring that ultimately, and perhaps at no distant date, the knotty question of the hither East would be settled not by any of the great powers of Europe, but by America! As France was once paramount in the Levant by her Roman Catholic missions, America had become so by her Protestant missions — and these missions, said the writer, the American nation will protect with its guns. There is truth in this general contention although the last proposition is doubtful. Roberts College has transformed the old Turkey in Europe, and her graduates are the statesmen of the little Balkan kingdoms struggling into decent life; the great American university at Beyrut furnishes the Arab world with professional men and, dull as the lump is, they are the leaven in it, steadily and surely though very slowly leavening it. Just fifty years ago the American United Presbyterians began work in Alexandria. To-day their schools, nearly all self-supporting, cover the entire land: they number about 125 and have probably 10,000 pupils. The instruction is admirable, comprising all the ordinary branches, with English, French and Arabic. Established originally for the Copts, and for boys, they now, with a majority of Copts, have also a large minority of Mohammedans, and about a third of the pupils are girls. In fact they are about to found a girls' college for which they have already raised two-thirds of the needed endowment.

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The example has been most illuminating: as I have said, the minor offices are filled by young men trained in these schools, and the many United Presbyterian churches erected everywhere in Egypt at important centres are full of Copts. So the Coptic church has been roused from its slumbers and now cherishes its own schools into higher and higher development, while even the Mohammedans apprehend that if they are to keep any hold in their own land they must learn some of the things which they begin to see are absolutely requisite. The traveller hears of many schools in Egypt. They exist, but they are scarcely to be reckoned as Egyptian. There are close to a hundred and twenty-five thousand foreigners in the country. The Greeks are by far the most numerous, and they have their children taught somehow; then come the Italians, who have many well ordered schools for their own children; an effort is making to endow two or three schools on the English model, and so far it meets with encouraging success.

The khedivial, or ostensible, government has with its crude, inchoate concepts of European culture long been struggling to inaugurate a system of government education controlled by a minister of public education. It has been but moderately successful. Under the ministry is a committee of nine members: two English, two French, one Austrian and four Egyptians. They work through a single secretary who has substantial control, and he is an Englishman. Under this control are the khedivial library with a German librarian; an observatory with an Egyptian director; a board of three members, English, French and Egyptian, who examine for teachers' primary and secondary certificates; a staff of six inspectors: one English, one French and four Egyptian; and an office for the management of certain estates which have been assigned as educational endowments. The office staff of this bureau is wholly native. Directly under the secretary-general are fifty-six lowest grade schools like those of the mosques, with sheyks from Al Azhar as teachers; thirty-eight primary schools under Egyptian masters with government certificates; three secondary schools under English, French and Egyptian head masters respectively; and finally nine professional schools, two polytechnics, with French and Egyptian directors respectively, a school of agriculture under an Englishman, a law school with a French

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director and an Egyptian assistant director, a medical school with an Egyptian principal and English vice-principal in control, a model polytechnic controlled in the same way and three normal schools with Egyptian, French and English heads respectively. This sounds well, not to say formidable. But the international direction would in itself prevent real unity of work and harmony of plan. The programmes, it is true, are good and fairly carried out, yet there are only about a hundred and fifty schools of the lowest grade and about forty-five of the primary schools. In all government institutions there are perhaps twenty-five hundred pupils. Throughout the land its proverbial darkness yet prevails — only one person in ten can read and write!

But a still darker side of Egypt is in the constant and almost epidemic miscarriage of justice. I do not refer to the native or oriental justice as administered by the local judges or cadis. This is what it always was, neither worse nor better — a curious intermixture of patriarchal severity and tenderness, conformable partly to the precepts of the Koran, partly to race tradition, and very often displaying good, shrewd common sense. What I refer to is the curse wrought on an innocent people by the capitulations of the Sultan, which as I have indicated were privileges granted in the day of his power to foreigners resident within his empire: a good-natured gift which, since the foreigners have secured a power greater than his own, he dare not and cannot recall. Fifteen powers, including the United States, dispense these privileges — immunity from taxation (except the land tax), immunity of domicile and immunity from the jurisdiction of local courts — not only to their respective resident subjects but to the natives attached to their consulates under the law of extraterritoriality.

These consular courts still exist and open the way for unmeasured abuses; it may serve to mention one alone. Neither municipal laws nor police regulations can be enforced against foreigners without the unanimous consent of the fifteen powers, a thing almost impossible to get! To this monstrosity a score of others could be added: it is the foreigners, in large measure Greeks and other southern Europeans, who carry on organized smuggling, who keep brothels and gambling hells, who use the inviolability of their houses for dozens of nefarious purposes. It is they who

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debauch the public morals in all the large towns. One can very well imagine what the consular courts of minor powers might be; but it is painfully notorious that France has used the capitulations to the ruthless furtherance of all her interests as no other nation has done which claims to be enlightened.

Since England has been in power there have been secured certain modifications of these old treaties making for improvement. Foreigners have at least to pay taxes on their houses, and certain courts have been organized which do some of the work once entrusted to the various consular courts. On the other hand the closer contact of Europeans with the native peasantry and the prosperity of the latter have both been accompanied by deplorable results. The fellah, waxing fat, has kicked. His religion sits much lighter upon him and, his purse being fuller, he does things which sadly demoralize him. What is to the European a sin against himself is to the Mohammedan a sin against God, and this consciousness makes him desperate where the other is only repentant. The common Egyptian of town and country gets and drinks whiskey both openly and secretly, he smuggles and smokes more and more hasheesh, he eats more meat and heating food than the climate permits; and as a consequence there is a steady increase of crime without any corresponding increase of efficiency in the police, the police courts, or the courts with criminal jurisdiction. Perjury and false witness are regarded as venial faults; an unwillingness to denounce crime and an eagerness to shield criminals characterize the great man and the little.

The remedy for this deplorable situation has not been found. The upper classes, including the foreigners, are calling loudly for reform; but that requires money and, as in the cases of the abolition of the *corvée* and the improvement of the irrigation system, the inexorable *Caisse* will not yield the money. The head of the Mohammedans, the Sheyk-ul-Islam, is at this moment suggesting that the pious and learned men of Cairo, the *ulemas*, go out and conduct revivals of religion throughout the land.

In its forced impotence the British authority contemplates regeneration in a purely secular way. The religious courts seem to work fairly well. They deal with the personal status of Mohammedans and are called *mehkemês;* they comprise three cate-

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gories, courts of first instance, of appeal and of execution. Their head is the Grand Cadi who employs two supervising inspectors. Next below him is the Grand Mufti whose functions are quite general and then come the cadis of the towns and villages.

The police operate in a sufficiently logical sequence. There is a public prosecutor, an Englishman, who controls the bureau of criminal investigation with an English director, and parallel with this bureau there is a *parquet* or sort of grand jury with the duties of a public prosecutor which controls the relations of the ministry of the interior with the courts. Under this last are the *mudirs* or heads of provinces and the police force. This is controlled by fourteen English, two hundred and thirty Egyptian and twenty continental European officers holding commissions: the non-commissioned officers and men number about fifty-seven hundred, all Egyptians except a hundred and eighty. They appear to be a smart, well set up body of lithe young fellows, all very proud of their European uniforms.

The courts are organized under a committee of judicial supervision which consists of five members, three English, one French and one Italian, and is controlled by one of the great English officials known as Judicial Adviser to his Highness the Khedive. Under this committee are two English and three Egyptian inspectors, who exercise general supervision over the national tribunals. These consist of forty-five summary courts with one judge each and jurisdiction up to a hundred pounds and three years imprisonment, seven courts of first instance with seven to ten judges in each court, and a court of appeal consisting of twenty councillors, of whom ten are Egyptians, eight are British and two are continental Europeans. There is likewise a court or committee of four continental Europeans which controls claims against the state.

Finally there are three so-called mixed tribunals, courts sitting at Cairo, Alexandria and Mansoorah, which were intended to be a link between the consular and native courts, transacting the bulk of the business so pitifully botched in the former and thus inspiring some respect for the government of Egypt. At first they were the bulwark of the bondholders, but they also have jurisdiction in suits between natives and foreigners, and between

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foreigners of different nationalities. Their proceedings are in French, Italian and Arabic; as yet, strangely enough, they do not permit the use of English, although two of the judges are Americans. The British appear to have no special fondness for them, although they mitigate the abuses of the consular courts substantially. But they were the device of Nubar, and they have on several occasions applied the brakes when English officials were going too fast.

Both the native courts and the mixed tribunals use in procedure a modification of the Code Napoleon, which though not yet sufficiently adapted to Egyptian conditions is in form and principle fairly good. Their almost utter worthlessness at the beginning (1884) and for some time later was due to the fact that suitable men could not be found for judges. Unsuitable men enough there were, young fellows who went to France, got a smattering in some decent law school or bought a diploma from the then disreputable faculty at Aix, and returned to secure an appointment by favoritism. The courts reeked with corruption, their procedure was slow and costly, their method complicated. Most of the causes required something altogether different, the issues being simple and small. The worst vice of these courts was on the criminal side, for after long effort and despite many improvements, the administration of criminal justice is still complicated, slow and uncertain. But much has been accomplished by the rigid inspection provided in the outline given above, by demanding substantial diplomas from candidates for the bench (the Cairo Law School is now very efficient), and by the extension of summary justice through the establishment of the circuit system.

Thus gradually the courts are improving and the character of the bar rising: sometimes threats are heard of amalgamating the mixed tribunals with the native courts, so good are the latter likely to become. But the former rest on the assent of fourteen powers who can easily be brought to renew their mandate every five years, as is done, and cannot easily be brought to a common assent to abolish them. They are likely to continue for a long time therefore, although their final disappearance is sure. Meantime, their work is the more important because, as is only human,

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the judges magnify their office, consider as mixed causes for their jurisdiction many doubtful cases which the British prefer to have go before the regular courts, and because by agreement litigating natives bring cases which clearly belong elsewhere to the mixed tribunals. It has been charged that they do this as a matter of style, to show contemptuous indifference to their own people, a curious oriental quality. But the charge is untrue: Egyptians go before the mixed tribunals because they are absolutely sure to get justice, which is as yet not the case when trial is had before the native courts.

It is thus easy to see how the polyglot international confusion so prevalent everywhere in Egypt prevails too in the courts. Add to this the ordinary official jealousies, and the imperfect administration of justice is easily accounted for. The worst effect of native jealousy toward foreign influence is seen in the case of the police. The principal city districts, six in number, are under governors, all Egyptians; as too are the twenty-six *mudirs* who preside over the provinces. In old days the Pasha or ruling class were all Turks: as yet many of these governors and *mudirs* are Turks too, but with a difference. Then they were virtual viceroys and had the police entirely in their control; their favorite punishment was the *kurbash*, or whip of alligator hide. This brutality has now been abolished and the authority of the *mudirs* over the police limited, partly by government inspectors, partly by a division of responsibility. Provinces are divided into districts, these into townships, and these last into villages. Over the district is a *mamur*, over the township an *omdeh*, over the village a sheyk.

The village watchmen, or *gaffirs*, were once very numerous and no better than bandits in disguise. They have now been much reduced in number and the sheyk is responsible for their efficiency to the *omdeh*, a man generally of real dignity and importance. If he needs the police he applies to the police official of the district through the *mamur* and is directly responsible with the police officer for what is done. There is continuous conscription for the army in Egypt, but as few men are needed only the selected conscripts are taken to serve six years under the flag. Thereafter these fine fellows, who are comfortable and well content with their pay, are divided between the army reserve

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and the police. These last ought to be, and when well directed are, entirely competent men.

The British feel that in the present crisis they have a choice of two courses, either to multiply European officials or to compel closer attention to duty both by the European heads and Egyptian hands, keeping the inspectors more continuously resident within their respective districts, and generally practising greater severity on offenders. This latter process has begun; it remains to be seen how effective it may prove. It is doubtful whether, even if the money for reform could be had from the *Caisse*, which is highly improbable, they would care to multiply officials, courts and policemen. The number of natives fit for office is exhausted and the native quality improves very slowly. Then, as has been said, it is dangerous to increase the number of European and British officials; what is required especially in the case of the latter is high quality; better a few first-rate men than any degeneracy in character through increase in numbers.

There are, outside the war office and the police, nine hundred and sixty-four foreigners in the service of Egypt, and of these three hundred and sixteen, less than a third, are British; the rest are Italian, French, Greek, Austrian, Germans and scattering, in that order, the Italians two-fifty-six, the French one-eighty-six. As the grand total of civil servants is eleven thousand three hundred and six, the proportion of English is astonishingly small. Lord Cromer and his colleagues seem determined that it shall not increase. The departments of finance, interior, justice, and public works are monopolized virtually as far as foreign officials are concerned by the British, and are therefore purely Anglo-Egyptian. It is claimed and properly, I believe, that these are the most efficient departments of the government; international shackling and meddling has been the curse of Egypt as of other Oriental lands, and where there are the variegated and jarring prejudices of different nationalities, there of course is to be found confusion and wrong. Since the adjustment of her French relations, England probably looks to see the entire government Anglo-Egyptian at some distant day, but meantime hers is the golfer's cardinal motto: "Don't press." Lord Cromer has announced as his policy: *Ohne Hast aber auch ohne Rast.*

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These appear to be the two sides of the shield from the point of view of an English protectorate, and there can be no question but that British administration has on the whole met with signal and brilliant, almost dazzling success. Yet there is a mystery. It lies of course in the system of Islam. Such travellers as spend a few weeks or even a winter in Egypt should be slow to form opinions. Nevertheless they see and feel something, and sometimes the quick perception of a passer-by is truer than the unobservant habitual look of a resident. It seems as if the population of Egypt were capable of no other loyalty than that which they undoubtedly feel for the Khedive and the Sultan. The British are hated and know it: fortunately they also know why. First there is the cumulative interest of every other power against them, to thwart them where possible, to misrepresent them everywhere. Then there is the Khedive. His father knew that England had saved his throne and after Arabi's rebellion he behaved like a man of sense. This young man, like almost every heir to a throne, appears never to have been in sympathy with his father and to have dreamed of a return to his grandfather Ismail's unrestricted despotism tempered by some enlightenment. In any case at the outset of his reign he showed a preference for French influences and finally went so far as to tamper with several English institutions, including the army. He received a smart piece or two of "advice" and thereafter for some years kept his place, though rather sullenly. Latterly he seems to realize the inevitable and to follow his father's example. The British believe that the native press, in Arabic of course, which is uniformly hostile to them was, for a time at least, subsidized from the palace. Now, this is no longer the case. For all that, newspaper hostility has not ceased. It must pay because, as far as a superficial observer can judge, the people as a whole, while they hate the Turkish Pasha class, still regard the Sultan as the Caliph, the successor of the prophet, and the Khedive as his vice-regent. It is amusing to see a tall Nubian draw himself to his full height, strike an attitude with his right hand on his heart and say: "My King, the Sultan, Abdul Hammid, bestowed medals and the title of Pasha" on so and so. For him and his kind there is but one supreme permanent authority, that which is administered by the govern-

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ment of his Khedive Abbas Hilmi and interpreted by the *mehmemés* and *ulemas* or men learned in the law. All else is transitory and mediate.

No one understands this situation better than the British, and when the Khedive succeeded no Mohammedan was more eager than they were for the proper Firman of the Porte establishing the new authority over Egyptian Moslems. Well aware of this fact, the Porte and its officials shrewdly exacted and got the last farthing of the customary fees before, after weeks of carefully protracted negotiation, the wonderfully bedizened and illuminated parchment was in due and solemn form exhibited to the populace from the steps of the Abdin Palace in Cairo and there read to them aloud in a perfect form, secured only at the last moment by telegram and, of course, for a consideration. King Edward has more Moslem subjects than the Sultan, by far, and his ministers well understand that the price of outward calm is careful conformity to Moslem traditions and nice consideration for Moslem prejudice. They dare not make a slip nor give the slightest hold to fanatical enmity. The French and native journals are ready to give the signal: hostile powers wait like hounds in a leash, and apparently even yet would make the leap, if only they could reach the British throat. But their dream is vanity: after all, this bond around Egypt is like others which bind the British Empire; though it looks gossamer, it is efficient and sufficient.

WM. M. SLOANE.

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REVIEWS.

A History of Mediæval Political Theory in the West. By R. W. CARLYLE and A. J. CARLYLE. Vol. I: *The Second Century to the Ninth.* By A. J. CARLYLE. New York, G. P. Putnam's Sons; Edinburgh and London, William Blackwood and Sons, 1903. — xvii, 314 pp.

The Development of European Polity. By HENRY SIDGWICK. London, Macmillan & Co.; New York, The Macmillan Co., 1903. — xxvi, 448 pp.

The Political Theories of the Ancient World. By W. W. WILLOUGHBY. New York, Longmans, Green and Co., 1903. — xiii, 294.

If any doubt has existed as to the utility of the study of political ideas in their historical development, the almost simultaneous appearance of these three volumes ought to do much toward removing it. In these works representative men of three great educational institutions, Oxford, Cambridge and the Johns Hopkins University, manifest their conviction that such study is worthy of the best effort that ripe scholarship can bring to bear upon it. However different the points of view and the methods of treatment, all the authors alike contribute to the one end of removing from English literature the reproach to which it was long exposed, that it embodied no adequate treatment of the history of political ideas.

Professor Sidgwick's work is posthumously published under the editorial supervision of his wife. It differs in general character from the other two volumes under review. While they agree in devoting much attention to the political ideas which are to be found explicitly or implicitly in the literature of the periods covered, Professor Sidgwick's interest is more in the generalizations which are possible from the actual institutions of successive epochs in history. His work follows to a great extent the method of Freeman's *Comparative Politics*. It is a study of governments rather than of anybody's theories about them, and the author's end is to formulate a history of political ideas by immediate

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induction from the transformations through which political systems have passed, from the earliest known conditions in classical antiquity to the era of the modern state. We find described, in that philosophical spirit and judicial temper which Professor Sidgwick so preëminently typified, the broad outlines of Greek political development, the salient features of the Roman constitution, the feudal period, the theocratic features of the middle age, the growth of the free cities, the epoch of absolute monarchy and the national and federal systems of the most recent centuries. Of the philosophers who in these different ages contributed by reflection, systematic or otherwise, to illustrate the institutions with which he deals, the author discusses only Aristotle and Plato among the ancients, and Hobbes, Locke, Montesquieu and Rousseau among the moderns. Comment on this fact and on certain features of arrangement and proportion in the volume would probably be unjust or misleading, owing to the circumstances attending the publication of the work, the author having had no opportunity to give it the final form.

Messrs. Willoughby and Carlyle differ from Professor Sidgwick and agree with each other in undertaking in their respective volumes a chronological, expository and critical description of the philosophy based upon political institutions rather than of the institutions themselves. Professor Willoughby's period is that of classical antiquity from the earliest times to the end of the Roman political system in the West. Mr. Carlyle has for his period the centuries of the Christian era from the second to the ninth inclusive. In each case the present volume is but the first of an indeterminate number.

If we may judge from the proportions of these initial volumes, the Carlyles intend to cover their chosen field much more minutely than Professor Willoughby covers his. This conclusion is strengthened by a comparison of the general spirit and method of the two authors. Carlyle keeps close to the literature of his period. He has but little philosophy of his own to apply to the interpretation of the authors or the institutions with which he deals, but he brings forth from his notebooks a mass of quotations, from writers of every degree of prominence and obscurity, to illustrate the thought of the time. Willoughby, on the contrary, seems rather bored by the necessity of following closely the literature of his period. He prefers to cut loose from the record and to characterize a thinker or a system or an epoch by reflections of his own. Often also — possibly too often — he finds it more effective to incorporate a page or so of reflections quoted from some other modern critic. In both his own and the borrowed comments he manifests

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clearly, what his previous publications have sufficiently shown, the Hegelian tendency of his thought. It goes without saying that an historian of this type, a follower of the world's greatest master of broad generalization, can not be expected to display on his pages anything of that laborious accumulation of material that appears in Carlyle. When Willoughby reaches the Patristic and early mediæval period, he will not devote, as Carlyle does, some six or eight pages to the thoughts of Sedulius Scotus and Cathulfus, or trace at length the sinuosities of reasoning in Ambrosiaster and Hrabanus Maurus; while Carlyle, if he should ever take up the Greek period, would never think of dismissing the Stoics and Epicureans, as Willoughby does, without mention of any individual adherent of these sects save Zeno, but would fairly revel in fragments gathered from the innermost recesses of Voigt and the Corpus Inscriptionum.

The two chapters in which Professor Willoughby is at his best are those on the "General Characteristics of Greek Philosophy" and "the Value of the Greek Civic Ideal." However doubtful the reader may be at some points as to whether any actual Greek ever was conscious of the views attributed to the abstract Greek, the Willoughby-Hegelian interpretation of Hellenic politics is very rich in suggestion. In the treatment of Plato and Aristotle the historian could hardly be expected to discover an untrodden path. Practically the only possibility of anything new in the estimate of the political ideas of these two philosophers lies in a careful re-reading of the original Greek by a scholar especially trained in the concepts and terminology of modern political science. Professor Willoughby, while eminently qualified in this last respect, seems to have made little or no resort to the text of the Greek writers; and the translations which he has used, especially in the case of Aristotle, have hardly been adequate to the requirements. For example, the statement on page 167, that "the theory of the separation of powers also finds a place in Aristotle's thought," would probably not have been made, if the words of the Greek philosopher rather than the English translator had been considered.

Mr. Carlyle's purpose necessarily involves an exhaustive examination of a large mass of little exploited literature. He seeks to discover the obscure beginnings of the process through which the mediæval philosophy of politics became impressed with its characteristic features. The chief elements of this philosophy he perceives to be, first, the theories of Imperial Rome, particularly of the jurists, and second, the social and political teachings of the Church Fathers. While the first of these elements is fairly accessible, the latter is to be discovered and

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properly appreciated only by a careful analysis of the writings of a very considerable number of men who were for the most part interested in nothing so little as in politics, and whose references to political ideas are in the last degree casual, subsidiary or perfunctory. Under such rather discouraging circumstances, Mr. Carlyle's work must be pronounced, on the whole, good and worth while. He succeeds in presenting, with some real suggestion of coherency, the thought of the Patristic age on natural law, slavery, property, government, the authority and sanctity of a monarch, and the relation of state and church. He has no illusions about his subject and readily concedes at many points that what appears to be an expression of serious conviction on the part of an author may be in fact merely the manifestation of credulity, fear, indolence or some other of the intellectual or emotional conditions which in those centuries so often took the place of ratiocination. From Gregory the Great he passes to the ninth century, and in dealing with this epoch the allowance necessarily made for poverty of intellectual resources is accentuated. Due recognition is given to the fact that the writings of the age, even in the case of personages of such large calibre as Hincmar of Rheims and Hrabanus Maurus, consisted in no small measure in the mechanical repetition of passages from the Church Fathers and a few other sources. But with all this allowance, Mr. Carlyle is able to discover, not indeed any general system of political theory, but the apprehension and development of certain important conceptions, namely, "the equality of human nature," "the sacred character of the organized structure of society in government," and "the necessity of checking the unjust and tyrannical use of authority." In connection with this latter point, the author suggests that the influence of Teutonic tradition definitely enters at this time to modify the ancient Roman conception of princely superiority to law.

It appears to the reviewer that the utility of Mr. Carlyle's work would have been substantially enhanced by the introduction of some account, however slight, of the actual political institutions of the successive periods with which he deals. But even without this, his volume is very welcome, and furnishes quite the best account we have of those occult channels through which ancient political theory was transmitted to the mediæval world.

Part I of Mr. Carlyle's volume, in which he lays the foundation for the real theme of his work, deals with the political ideas of the Romans and covers the same ground which is traversed by Professor Willoughby in the latter part of his volume. There is afforded thus an opportunity for comparison of the two authors. The first fact to strike the observer

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is that Willoughby does not mention Seneca, while Carlyle devotes a whole chapter to him. At first blush it seems as if Willoughby were at fault here; not only does the account of Seneca's reflections given by Carlyle indicate that the Roman moralist thought much on various important phases of politics, but anyone who reads later mediæval literature to even a slight extent becomes very quickly aware that the ideas and very often the words of Seneca's better known epistles were staple commodities. But on the other hand, Professor Willoughby has a certain justification for his omission in Carlyle's own treatment of Seneca; for after practically every description of the Roman's views on an important point, Mr. Carlyle is obliged as a candid writer to insert a caution against the possible insincerity of the philosopher: "He often mistakes rhetorical sentiment for profound ethical emotion" (p. 19); "These phrases may no doubt be said to be rhetorical, and it would be foolish to overpress their practical significance" (p. 21); "We may find much of merely rhetorical sentiment in all this" (p. 22): — such are the qualifications with which Seneca's philosophy is presented. There can be no doubt that the modern reader, even if he resolutely excludes from his mind the influence of certain rather unpleasant facts in connection with Seneca's relation to Nero, finds it impossible to take the beautiful and often most impressive writing of the Roman at its face value. There is in all his moral essays a pervading sense of unreality if not of actual hypocrisy. Perhaps this is why Professor Willoughby refuses to consider his ideas at all.

Cicero also is treated by both historians, and on the whole their estimates of him are identical. It is Carlyle and not Willoughby who designates him as "a well-mannered and honorable-minded philosophical amateur." Only an Englishman could devise that characterization. It reflects the same felicitous blend of the social with the scientific standard that appears in Sir Frederick Pollock's judicial utterance about the Spartans, that they "produced in the whole course of their wars only two officers who are known to have been gentlemen." In connection with Cicero's philosophy an interesting comparison is suggested by the parallel reading of Willoughby and Carlyle. In the *De Republica* is given a definition of *Respublica* which has figured largely in later political theory. Cicero says: "Est respublica res populi; populus autem non omnis hominum cœtus, quoquo modo congregatus, sed cœtus multitudinis iuris consensu et communione utilitatis sociatus." The reviewer has been interested to observe the translation of this by the two historians, particularly the rendering of the last clause — "iuris consensu et communione utilitatis sociatus." This seems reasonably

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easy Latin, yet the two writers do not agree at all in putting it into English. Willoughby reads: "bound together by the compact of justice and the communication of utility." Carlyle, on the other hand, has it: "united under a common law and in enjoyment of a common well-being." These obviously are very different thoughts. The reviewer himself is on record as having rendered the passage in question as follows: "united by a common sense of right and by a community of interest." This of course is something quite different from either of the renderings given above. For one interested in the small things which in science are often great, it would seem worth while to give considerable attention to the question as to which of these three translations comes the nearest to the expression of Cicero's actual thought. Possibly, however, the whole situation arises from the fact that Cicero here, as a "well-mannered philosophical amateur," had no precise thought at all, but expressed a somewhat vague notion as to the foundation of a popular state in words that were instinctively selected more from the rhetorical point of view than with reference to precise connotation.

Still another topic which yields an interesting comparison of the two historians — and indeed Professor Sidgwick also might be considered here — is that of the Roman jurists' doctrines as to *ius naturale* and *ius gentium*. Willoughby devotes eighteen pages to this subject and presents therein with some fullness the ideas of Maine, Clark, Muirhead, Nettleship, Sohm and others whose names are suggestive of modern rather than ancient theories. Carlyle covers the general subject in only twelve pages (though there is further treatment under special heads later) and fortifies his discussion with citations from Gaius, Paulus, Ulpian, Florentinus, Tryphoninus and others whose names seem strikingly appropriate to the subject. But though the two historians differ most markedly in the method of dealing with the subject, the few facts and conclusions which are pertinent to a history of political theories are almost precisely the same in both works. And this raises the question whether it is really essential, in such works as these, to deal so seriously with the problems that cluster about the vagaries of Justinian's compilers in the selection of passages on the law of nature and the law of nations. Some half dozen phrases of the Digest embody all that has been historically of significance in the progress of strictly political thought, and this significance has come through reading into the phrases ideas of which the Roman jurists were wholly innocent. The subsequent history, not the prior history, of these phrases seems to be the field of the student of political theory. All the details as to relation of *ius gentium* and *ius naturale* in the Roman mind belong

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really to the student of jurisprudence; and it will certainly be long before anything more in the way of material is necessary than what is so systematically and exhaustively presented in the great work of Voigt.

WM. A. DUNNING.

Local Government in England. By JOSEPH REDLICH, edited with additions by FRANCIS W. HIRST. London, Macmillan & Co. Ltd., 1903. — 2 vols.: xxvi, 427 pp; viii, 435 pp.

Reference has already been made in this JOURNAL (vol. xiv, p. 525) to the valuable scientific literature on English local government written outside of England. This work adds another to this class; and is distinctly the most comprehensive treatment of the subject yet published. The author is connected with the faculty of law and political science in the University of Vienna. Mr. Hirst has not merely translated the German text into a distinctively English style, but has also made corrections and many additions, including two new chapters written entirely by himself.

One half of the first volume is devoted to an historical account. After a brief survey of the development of the English constitution to the end of the eighteenth century, showing the relations between the central government and the local officials, there is a more detailed description of the steps in the reorganization of local government during the nineteenth century. This is not merely an account of parliamentary action; but discusses also the foundations of the new legislation in the political philosophy of Jeremy Bentham and John Stuart Mill, and its relation to the constitutional changes during the same period in the organization of the House of Commons. The results of the Reform Act of 1832 are seen in the reform of the poor laws and of the municipal corporations, the two measures being based on distinct and opposing principles — the one bureaucratic and plutocratic, the other democratic and autonomous. The next period includes the development of sanitary, police and educational legislation, and shows the tendency towards combining the contradictory principles of the preceding legislation into a harmonious system, based on a democratic franchise and central administrative control. And after the third Reform Act, there comes the measures by which the local government in the counties, county districts, poor law unions and rural parishes is made representative and democratic; while out of the patchwork of historical areas and conflicts of jurisdiction something like order and system is established.

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Two-thirds of the entire work is a descriptive account of the existing local authorities and the system of central control. This again is much more than an analysis of statutory provisions regulating the administrative organization and powers; it includes also a careful investigation of the actual working of the various organs, the interpretation of difficult provisions of the statutes by the law courts, and the intricate financial arrangements.

Among the local authorities, first place is given to the municipal boroughs, the oldest of them, and the model for the constitution of the more recently created bodies. The description of municipal government adds a great deal to previous works on this subject. Besides a full statement of the legal position of the municipality and the statutory organization and powers of the town council, there are chapters on municipal politics, the internal machinery of town government, the functions of the boroughs and municipal finances. Of these, the accounts of political methods and the internal machinery of government are especially noteworthy. Municipal elections, we are told, tend to come more and more under the operation of the party system; but "the elections over, party color rapidly fades and absolutely disappears from the ordinary business of municipal administration." The methods of the town councils and the system of committees are fully set forth and illustrated; while for the first time one finds an adequate notice of that invaluable functionary in the English system, the town clerk. As is to be expected in a work written from the administrative rather than from the sociological point of view, the chapter on the sphere of municipal government is mainly a statement of statutory powers, and does not give illustrations of the detailed operations in different cities such as Mr. Albert Shaw has given in his books.

In its broad outlines county organization presents a similar picture to that of the municipal boroughs. In its operation, the democratic franchise has not given the mastery, nor even any direct share in county administration, to the agricultural laborers; and the county councils are composed mainly of the propertied classes, — "government by horse and trap." Even counties sending radicals to Parliament often elect councils conservative in tone. Nevertheless it can be said that the people now govern through the ruling classes, instead of being merely governed by them; and a spirit of progress has been superimposed "upon the traditional honesty and thrift of the old patriarchal style of administration."

Little more than mention can be made of the chapters on county districts, urban and rural, poor law unions, parishes and local educa-

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tional administration. The last includes an account of the Education Act of 1902 by Mr. Hirst. In general it may be pointed out that the legislation on all of these subjects applies the same main principles of local organization which govern the borough and county systems, while leaving ample room for local variations to suit widely different conditions. In this respect, the whole body of legislation on English local government is well worth the study of those trying to remedy the evils of special legislation in the United States.

One serious omission in the description of local authorities must be noted. There is no account of the administrative organization of the metropolis; and no satisfactory reason given for the omission.

In the examination of central administrative control, most attention is naturally given to the Local Government Board, with special reference to its two main divisions of poor law and public health. But there are also short descriptions of the supervision over local authorities exercised by the Home Secretary (mainly in reference to police), the Board of Education, the Board of Trade, the Board of Agriculture, and temporary commissions of inquiry. In this discussion, emphasis is constantly laid on the difference between the English methods of central control, and the bureaucratic centralization in the countries of continental Europe. The basis of the English system may be found in the dictum of John Stuart Mill that while "power may be localized, knowledge to be most useful must be centralized." This principle is applied by means of reports, inspections, audits of accounts, executive orders authorized by statute, and certain limited quasi-judicial powers of deciding appeals. And the results of these methods are strongly commended, as may be illustrated by the following extract with special reference to the police control:

> Any attempt to set up a central department with power to lord it over the local authorities would be regarded as a direct encroachment upon the constitutional rights of citizens. It would be treated as an attack on the independence of the courts of law, and must inevitably fail. On the other hand, the leaders of conservative opinion would readily agree with liberal and radical statesmen that a return to the complete decentralization and independence of local police authorities which characterized the older system is unthinkable. It is universally recognized that the methods of prevention and detection used by the police should be similar in all parts of the country.

Concluding the descriptive section is a chapter on the control of Parliament and the law courts over local government. Here the author

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repeats literally Mr. Dicey's statement that there is no administrative law in England, a statement which is at least open to misunderstanding. Mr. Redlich's own account itself shows that while there are no special administrative courts and no separate *system* of Administrative Law, there is a large amount of substantive administrative law, established by legislation, by executive orders and by judicial decisions, and incorporated in the law of the land. To say that England has no administrative law is almost as erroneous as to say there is no equity jurisprudence in those American states which have no separate body of chancery judges.

The third division of the work is a criticism of Professor Gneist's well known works on English local government and constitutional history. Not content with showing that recent legislation renders Gneist's books out of date as a description of present conditions, Mr. Redlich attacks the earlier writer's theories and general attitude in true German polemical style, and with an acerbity which seems to be actuated by a standing Austrian hostility to anything done by a Prussian.

In spite of these points of criticism, the solid constructive work of the authors ranks this as distinctly the best account of the existing English system of local government. Its scholarly character is further indicated by the apparatus of bibliographical references, footnotes, a table of law cases, a table of statutes and a fair index at the end of each volume.

JOHN A. FAIRLIE.

UNIVERSITY OF MICHIGAN.

A Treatise on International Law. By WILLIAM EDWARD HALL. Fifth Edition, edited by J. B. ATLAY, of Lincoln's Inn, Barrister-at-Law. Oxford, at the Clarendon Press, 1904. — xxiv, 764 pp.

In the nine years that have elapsed since the appearance of the fourth edition of Hall's treatise, events of great importance in the intercourse of nations have occurred. Many of them will occupy a larger place in the history of diplomacy and foreign policy than in that of the law of nations; but some of them are of great importance for international law, and deserve a fuller treatment than that of the mere chronologer. We have in the United States excellent examples of two methods of editing a celebrated book on international law — the editions of Wheaton's *Elements* by Lawrence and by Dana. Lawrence's notes generally are long, and often are almost encyclopedic. Dana's take the form of brief monographs, discussing concisely the principles

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of law involved in particular topics. Mr. Atlay might well have chosen a middle course; and certainly notes as brief as his will fail to satisfy the demands of the publicist and lawyer. The present edition may be useful as a school book, but the editor's contribution is of little value to the specialist.

Mr. Atlay's additions appear in brackets in the body of the text or in the foot notes. The longest connected passage supplied by him is that relating to the Venezuelan boundary dispute (pp. 111–113); but it makes no mention of the rule laid down in the treaty for the guidance of the arbitrators, namely, that "adverse holding or prescription during a period of fifty years shall make a good title;" nor is this referred to in connection with the paragraph on "Prescription" (p. 118). The Hague Peace Conference in its relation to international arbitration receives a suitable notice (pp. 364–366); although the first case before the Permanent Court of Arbitration (The Pious Fund of the Californias) is dismissed in two lines. In a note (p. 365) reference is made to the recent settlement of the Alaskan boundary, but chiefly to call attention to the "serious blot on the proceedings — the manner in which the United States chose to construe the term, 'impartial jurists of repute.'" There is no statement of the points in controversy. Two surprising omissions are the absence of all reference to the adjustment, by means of the Hay-Pauncefote convention, of the dispute over the Clayton-Bulwer treaty, and to the question, so much discussed at the outbreak of the Boer War, of British suzerainty over the Transvaal. This last was a difficult and knotty question; but with Cuba, and possibly Korea (hereafter), among the number of semi-sovereign states, the discussion of this form of sovereignty is likely to become important. No notice is taken of Cuba (save for a reference to the non-assumption of the debt by the United States in the peace treaty of 1898), either with respect to its entrance *pro forma* into the family of nations, or with respect to its peculiar status under the so-called Platt amendment.

The brief war between the allied European powers and Venezuela in 1902–03 is adverted to in connection with the subject of Pacific Blockade (p. 372), but no explanation of the grounds of intervention is given. Nor is it stated that the intervention, which at first took the form of a pacific blockade, ultimately became war *de facto* and *de jure*. It was admitted to be such by Premier Balfour in the House of Commons, after the United States had given notice of its intention not to be bound by the so-called blockade. Professor Holland subsequently pointed out that the institution of prize courts at Trinidad was incompatible with any theory but that of legal war.

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The facts in the case of the "Bundesrath," one of the German ships seized for carrying contraband to the neutral port of Lorenço Marques, during the Boer War, are neatly summarized in a note (p. 670), and the conclusion is reached that the seizure was sustainable on legal grounds — a conclusion which tacitly reverses Hall's opinion as expressed in connection with the subject of "continuous voyages."

In proportion to other topics, much space is given (p. 301) to the case of Mr. Blair, whom the Chinese government in 1891 refused to receive as minister from the United States, because of views expressed by him in Congress on Chinese Exclusion; but nothing is said of the retirement in 1898 of Señor Dupuy de Lome, Spanish minister at Washington, in consequence of the surreptitious publication of a personal letter in which he referred offensively to the President and government of the United States.

A comparison of the table of cases in the present edition with that in the fourth, shows a citation of ten new cases. Six of these are American, relating, with one exception, to the war with Spain.

J. F. BARNETT.

GRAND RAPIDS, MICHIGAN.

A History of Modern England. By HERBERT PAUL. In Five Volumes. Vols. I, II. New York, The Macmillan Company, 1904. — 450, 446 pp.

These two volumes cover the period from the resignation of Sir Robert Peel in 1846 to the death of Lord Palmerston in 1865. At the present rate of progress, the three yet to appear should carry the story down to the retirement of Mr. Gladstone in 1894. Notwithstanding the author's preliminary criticism of Seeley's theory that the historian is concerned with man only as belonging to a state (I, p. 19), the history is so far preëminently political. There are, to be sure, several admirable chapters dealing with literature, science, art, and the church, but the economic development of the country is almost entirely neglected. However, this will not seem such a serious defect to those of us who are old-fashioned enough to believe that historical orthodoxy should not be tested by the creed of the political economist.

Mr. Paul has opinions and he is not afraid to express them; at the same time, he is usually, though not always, sufficiently broad-minded to see the other side of the question. One can easily surmise that he is in politics an advanced Liberal, if not a Radical, and in religion a very broad churchman. To the reviewer, the most pleasing feature of the

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book is the emphasis which it lays upon the personal element. Lord Palmerston is of course the central figure. A follower of Canning, he regarded it as England's duty to interfere actively in continental affairs, and to pose as the champion of liberal ideas, or as Paul rather unsympathetically expresses it:

> He was a great European diplomatist, who wanted England to have a finger in every pie. . . . He was interested in the affairs of every European country, and always ready to give his advice whether it was asked or not. He was never impartial. He always took a side, and though he hated reform at home, he loved revolution abroad [I, 236.]

The Spanish marriage episode, the Pacifico-Finlay dispute, the *coup d'état* of December 2, 1851, the Crimean War, the struggle for Italian unity, and the war in America are all discussed in the light of the Palmerstonian policy.

In the Spanish marriage controversy Paul supports the traditional British view, which is favorable to Palmerston and fixes the blame on Louis Philippe and Guizot. No new evidence is given, however, to combat Spencer Walpole's defense of France. According to Walpole, Lord Aberdeen agreed with Guizot that the Duke of Montpensier, son of Louis Philippe, should marry the younger sister of Queen Isabella of Spain, but not until after the queen herself had married and had issue. It was further agreed that the queen should be restricted in the choice of her husband to the descendants of Philip V. Shortly after Palmerston succeeded Aberdeen in the foreign office in 1846, he sent instructions to Bulwer, the British envoy at Madrid, in which Leopold of Saxe-Coburg was mentioned among the queen's suitors. Then, in characteristic Palmerstonian style, he launched into a criticism of the despotic government which existed in Spain. If this document had merely been sent to Bulwer, trouble might still have been avoided. Palmerston, however, handed a copy of it to Jarnac, the French chargé d'affaires in London. Louis Philippe and Guizot regarded the mention of Leopold as a violation of the agreement made by Lord Aberdeen, while the royal family in Spain were naturally indignant at Palmerston's officious remarks about their government. The result was that the courts of France and Spain were drawn more closely together, and both marriages took place on the same day, the queen to the Duke of Cadiz, and the Infanta Louisa to the Duke of Montpensier. (See Walpole, *History of England*, IV, 515–528.)

There was one peculiarity about Palmerston's conduct as a cabinet member which Paul brings out very clearly, namely, his habit of un-

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dertaking most important business without consulting the crown or his colleagues in the ministry, or even letting them know what he intended to do. His offenses in this respect were so frequent and so flagrant that the queen in 1850 sent him a formal note of protest. She demanded that he should state distinctly what he proposed to do in a given case, in order that she might know to what she had given her royal sanction; that a measure which she had once approved should not be altered arbitrarily or modified by the minister; and finally that she should be kept informed of what went on between the secretary and the British representatives at foreign courts and should be given an opportunity to read the despatches. This pointed reproof had only a temporary effect. After the *coup d'état* of December 2, 1851, a cabinet meeting was held, and the government decided to adopt a policy of strict neutrality. The authorities at Paris were so informed, but before the note was sent Palmerston expressed to Walewski, the French ambassador, his approbation of the president's act. This undignified, not to say unconstitutional, behavior exhausted the patience of the queen and Lord John Russell, and Palmerston was dismissed from office.

Palmerston's conduct on this occasion was certainly open to criticism, but Paul is perhaps too severe. He apparently has found it impossible to be judicious in discussing any question with which Louis Napoleon was concerned. "Napoleon the Little" was a "base impostor," a "public criminal," whose "murderous usurpation of supreme power in France" was without any justification.

> He was under a heavy obligation to the Church of France, which had welcomed him and his accomplices with public thanksgiving in the Church of Our Lady, the Mother of Christ. The neighboring morgue had been a fitter place [I, 239, 266, 300, 338; II, 9].

The responsibility for the Crimean War is placed on three men, and the Emperor Nicholas is not among them. They were Palmerston, Napoleon III, and Lord Stratford de Redcliffe. Palmerston was in the Home Office, but his influence over the foreign secretary, Lord John Russell, was supreme. The prime minister, Lord Aberdeen, never faltered in his desire to preserve peace, but he was convinced that Lord John was indispensable to the government and that the dissolution of the government would bring on the war (I, 311). He permitted Palmerston and Russell to drag the country into the conflict, and then remained in office, not because he loved power, but in order that he might use his influence to procure an honorable peace. But

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there is another side of the question, presented by Kinglake, which should not be ignored. If Palmerston had been prime minister, the Emperor Nicholas would have known what to expect and would have been more willing to make concessions. With Aberdeen in office, he comforted himself with the dangerous belief that England did not seriously intend to go to war. (See Kinglake, *Invasion of the Crimea*, I, 301–302, 309–310). Paul's sarcastic statement that this notion is "akin to the Chinese theory that battles can be won by wearing hideous masks, and uttering horrible sounds" (I, 342) is hardly a sufficient reply. The influence of Lord Stratford de Redcliffe at Constantinople is not overestimated. The fact that he was the real power behind the Ottoman throne is cleverly indicated by the frequent enclosure of the words "the Sultan" in quotation marks. The account of the part played by Napoleon III in this conflict, however, does not harmonize very well with the author's picture of an "imposter" of mediocre talent.

The least satisfactory part of the book is that dealing with the Civil War in America. Many of us will not agree with Mr. Paul that John Brown was a "hero and a martyr of freedom" (II, 295), and that Jefferson Davis was a "puppet chief" and "a man of no account" (II, 297, 341). The Dred Scott decision was sufficiently complicated to deceive most American students of history and constitutional law, but we believe that no one has ever said before that the Supreme Court decided "through Chief Justice Taney, that the master of a negro slave might pursue him from a Slave State into a Free State, capture him, and bring him home" (II, 296). Mr. Paul might also have explained more fully his statement that

> two-thirds of the Senate and the House of Representatives might, with the consent of the people, have amended the Constitution so as to abolish slavery altogether. But in that case no wrong would have been done to anyone. . . . [II, 296].

In spite of a few unfortunate precedents in that direction, we can hardly admit that "it rested with Congress to determine the constitution of a new State" (II, 296). Either Mr. Paul, or Lord John Russell, or both of them, have misunderstood the exceptions in the Emancipation Proclamation:

> This proclamation was most unjustly and ungenerously criticised by Lord Russell, who complained that it did not free the slaves in the Northern States, when no such process was required, inasmuch as they would have no masters who could reclaim them [II, 336–337].

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McClellan's name is spelled "M'Lellan." There is a fairly good account of the Trent episode and a brief analysis of public opinion in England on the American question, but these must necessarily suffer by comparison with Rhodes.

The reviewer hopes that he has succeeded in emphasizing the fact that, whatever other criticism may be passed on this work, Mr. Paul cannot be accused of being insular. Indeed, no adequate history of the Palmerstonian era could possibly have that defect. Among other foreign and colonial questions discussed are the Hungarian rebellion of 1848, the Dalhousie régime in India, the Sepoy Mutiny, the Kaffir War of 1851, and the Chinese War of 1857–1858. With the exception of the Civil War in the United States, all the foreign and colonial problems of the period have been treated carefully and in the main accurately. There is an occasional slip, as, for example, when he speaks of Lord Elgin as the pioneer of western civilization in Japan (II, 188). Commodore Perry preceded him by four years. In his account of the Sepoy Mutiny, Paul agrees with Lord Roberts that the story of the greased cartridges was true.

Limitations of space forbid more than a mere mention of a few of the domestic questions considered, such as the Irish famine, the Chartist movement, Gladstone's budgets, the struggle for parliamentary reform, and the various church controversies. There are excellent pen pictures of Lord John Russell, Lord Derby, Lord Aberdeen, Disraeli, Gladstone, Dalhousie, Earl Canning, Jowett, Pusey, Wilberforce, Spurgeon and others. In politics the author seems especially to admire Aberdeen, Cobden, Bright and Gladstone; in literature, Macaulay, Tennyson and Matthew Arnold.

The style is clear and readable, and there are none of those philosophical digressions which mar the otherwise valuable work of Spencer Walpole. There is not a dull page in the entire two volumes. The chapters on literature and the church would probably be more effective if they were grouped together. The same might be said of some other subjects. After all it is simply a question of the chronological *versus* the topical method. Mr. Paul prefers the former.

W. ROY SMITH.

BRYN MAWR COLLEGE.

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American History and its Geographic Conditions. By ELLEN CHURCHILL SEMPLE. Boston and New York, Houghton, Mifflin & Company, 1903. — 466 pp.

Geographic Influences in American History. By ALBERT P. BRIGHAM. Boston, Ginn & Company, 1903. — 366 pp.

The simultaneous publication of these two volumes is fortunate, for they treat the same subject, with just enough difference of emphasis to make them complementary. Both books deal with the relation between history and geography, but from opposite points of view : Miss Semple studies the relation from the historical side, and shows to what extent the course of American history has been determined by geographic conditions; Mr. Brigham views the relation from the geographical side, and points out the geographic influences at work in American history.

Miss Semple begins her historical account with the voyages of discovery, indicating in first instance the effects of European geography upon the colonization of America; she then traces the lines of the Atlantic-flowing rivers, showing their effect upon the early explorations and settlements; this brings her to the Appalachian barrier and its influence upon colonial history. Following the trend of history from this point, Miss Semple depicts the "Western Movement" in its "relation to the physiographic features of the Appalachian system," and then describes "the geographical environment of the early trans-Allegheny settlements;" from this she proceeds to "the Louisiana Purchase," and thence to the Far West by the northern and southern routes, checking the course of Western expansion all along the line with geographic conditions.

Mr. Brigham begins his geographical description with the valley of the Hudson and Mohawk, which he calls "the Eastern Gateway of the United States"; he then contrasts "Shore Line and Hill-top in New England," and comes by these two lines to the Appalachian barrier. The trans-Allegheny region Mr. Brigham plots off into a series of environments: "the Great Lakes," "the Prairie Country," the "cotton, rice, and cane" fields, the arid region, "where little rain falls," the Rocky Mountain region, "mountain, mine, and forest," and the Pacific Slope, "from the Golden Gate to Puget Sound"; and shows the significance of each in American culture.

Among the most suggestive chapters in these volumes are those devoted to the geography of war. Miss Semple assigns two chapters to

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this subject, one on "the geography of sea and land operations in the war of 1812," and the other on "the geography of the Civil War"; Mr. Brigham confines his attention to the Civil War. Of more immediate interest are the chapters on the international geography of the United States, on "the growth of the United States to a continental power geographically determined," as Miss Semple expresses it; or "geography and American destiny" in Mr. Brigham's phrase.

Both books are good. By way of comparison I should say, Miss Semple's is academic, Mr. Brigham's popular; this is true only so far as the style is concerned, however, for in material and arrangement each sets a scientific standard. This difference in style is enhanced by the illustrations, Miss Semple employing maps and charts exclusively, — and extremely good ones, while Mr. Brigham adds a wealth of excellent photographic reproductions of typical scenes taken from different sections of the country. The only criticism I would offer — and I fear at the present stage of development it may seem hypercriticism — is to this effect: The course of history is affected far more by economic geography than by physical geography pure and simple. Economic geography has to do not so much with the environment itself as with the potential utilities inherent in the environment. Neither Miss Semple nor Mr. Brigham takes this distinction into account: both are content to call attention to the effects of physical geography upon history, to the influence of mountains, plains, rivers, sea-coast, *etc.*, on the trend of progress. There can be no doubt that these influences are to be observed, but further study would reveal the more potent influences exerted upon American development by the character of the natural resources, the potential utilities inherent in our varied environment.

LINDLEY M. KEASBEY.

BRYN MAWR, PA.

The American Revolution, Part II. By the RIGHT HON. SIR GEORGE OTTO TREVELYAN, BART. Volumes I and II. Longmans, Green & Co., New York and London, 1903. — 353, 344 pp.

Sir George Trevelyan's work, beginning years ago with a brilliant study of the early career of Charles Fox in its connection with the court and the aristocratic society of the time, has been continued through a further study of that same society viewed in contrast with the far simpler life and ideals of the American colonists. In the part now issued it expands into a detailed history of some of the chief phases of the colonial revolt. The two volumes which are the subject of this notice

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are occupied chiefly with the events of 1776, both in Europe and America. In Europe the author traces the development of English opinion concerning the war, making use for the purpose of the newspapers, the correspondence of statesmen, the pamphlets of the time, the observations of persons who were travelling through the country, the reports of foreign ministers resident, as well as parliamentary debates and the results of local and general elections. The negotiations for the employment of German mercenaries are also outlined, as well as the attitude of Frederick the Great toward this transaction and toward the war in general.

Among events in America itself the reader's attention is specially directed to the campaign in Canada, to the military operations in and about Manhattan Island, to the retreat through the Jersies and the American successes at Trenton and Princeton. Much attention is paid to the armies, on both sides, to their officers, their organization, their spirit, their achievements. In this connection the pacific disposition and fatal delays of Howe are given a prominent place. In the account of the later phases of the Canadian expedition, including the retreat of the Americans, full justice is done both to the abilities of Sir Guy Carleton and to the brilliant personal exploits of Benedict Arnold. Charles Lee comes off with unusually severe and contemptuous treatment. Somewhat in the background — until Trenton and Princeton — stands Washington as the embodiment of dignity, patience and organizing power, but forced, by the limited extent of his resources and the crude instruments with which he had to work, to maintain what seemed a losing contest. When, however, he recrossed the Delaware on his raid into New Jersey, he appeared as the brilliant and resourceful partisan leader. The author justly throws these events into bold relief, for by means of them the prolongation of the struggle by the Americans was insured until they could secure foreign aid. In no work which aims to be a systematic history of the Revolution has so much attention been paid to the character of the American soldier, to his excellencies and defects, and to the system and leadership under which he worked. This constitutes one of the most realistic and successful features of the volumes which thus far deal with the war.

The development of American opinion as exhibited in pamphlet and newspaper and in the utterances of the various legislatures and revolutionary congresses has been very fully treated by earlier writers. Except so far as the question of independence itself was concerned, the literary controversy had mostly spent itself before the time of which the author treats in these volumes. Sir George Trevelyan, moreover, in-

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terests himself but slightly in mere political struggles and constitutional changes. For these reasons the theory of the revolution, the process by which the administrative system of the revolutionists was developed, the work of the Continental Congress, the collapse of royal power in the various colonies and the rise of new governments based on written constitutions in its stead, receive little or no attention at his hands. In fact the question of the colonial episcopate is assigned more space than are matters of this character.

From what has been stated the reader may infer that the work which Sir George Trevelyan is publishing is not a balanced or well rounded history of the Revolution in either its political or social phases. It contains rather a series of suggestive essays or studies on important social and military aspects of the struggle. Beaten paths are to an extent avoided. A disproportionate amount of space is devoted to certain topics, while others are slurred over and neglected. The writer is not systematic in arrangement and method. He is discursive, and does not allow himself to be seriously hampered by considerations of proportions, least of all by the order of events in time. Occasionally there is evidence — as in his treatment of Rev. William Gordon — that he is not thoroughly abreast of the critical work which has been done upon the sources for the history of the period. But his reading is wide, and for the purposes of the work in most respects is ample.

Every reader must be struck with the points of resemblance between this work and Macaulay's *England*. Both are frankly partisan in their tone. Both possess a distinct and powerful literary charm. Both abound in acute and detailed analyses of character and in vivid descriptions of events. Both are the work of statesmen, of men of affairs. Both writers plunged at once into the midst of their subjects, without in all respects, taking due account of the antecedents from which the crisis they sought to depict arose. Both have, to a large extent, viewed the events and characters which they sought to describe from their own standpoint and from that of the time and class to which they belong. In the case of an event so recent as the American Revolution, that of course does not make so much difference; while it is also true that Sir George Trevelyan's partisanship is not so much in evidence in these volumes as in the first which he published. But his work throughout is based on the supposition that the separation of the colonies from the mother country was almost the inevitable, if not quite the most desirable, result of the dispute. He is quite sure that serious perils to English liberty were averted by the revolt.

To the general reader and to the literary critic Sir George Trevelyan's

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history will always and justly appeal with great power. But to the scientific historian, to the sober student of social and political forces, it will not be wholly convincing or satisfactory.

HERBERT L. OSGOOD.

Insurance and Crime. By ALEXANDER COLIN CAMPBELL. New York and London, G. P. Putnam's Sons, 1902. — xiv, 408 pp.

Insurance and Crime has the merit of being a very readable book on a subject of great importance, and on the whole seems admirably adapted to accomplish, at least in part, the purpose which the author sets before himself. That purpose, as stated in the preface, is

> to awaken the interest of the common people in a subject which seems to me [the author] of vital importance to the common people in these modern days, and, through that interest, to bring about changes which shall prevent the recurrence of the abuses of the past and correct the abuses of the present [p. ix].

It is unfortunate that the author did not see fit to supplement his popular treatment by more detailed statistics showing the extent of the evils described. For in spite of the scantiness and too frequent unreliability of the available material on the subject, there are many sources of information, even in English, of which no use is made in the work before us.

Nor is it only on account of the absence of such statistical information that the serious student of insurance will find the book disappointing. The method of treatment adopted is selective rather than exhaustive, and the particular periods and individual crimes selected for description can by no means be called typical; on the contrary they are almost invariably extreme cases. Furthermore the language used in characterizing the evils resulting from insurance is extreme and sometimes somewhat intemperate. We can hardly take literally the statement "that it [insurance] has given rise to whole systems and cycles of evil; that there is hardly a crime in the calendar of which it has not been the prolific mother and the assiduous and successful nurse" (p. 9). In short the book bears throughout the stamp of the argument of a lawyer before a jury rather than that of a scientist's cool and impartial statement of fact. It may for that reason be better adapted "to awaken the interest of the common people," but it cannot be admitted to the select class of books which are at once popular and scientific.

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The main body of the book consists of two parts. The former deals with evils for whose existence the insured are responsible; the latter, under the caption "Company Frauds," describes a number of wildcat companies and their method of operation. The teaching of the former part of the book may be summed up in a few words. Legitimate insurance encourages carelessness, and the wilful neglect of precautionary measures on the part of the insured; insurance by a person who has no insurable interest in the object of it, and over-insurance, furnish a direct incentive to crime on the part of the insured. It is obvious that these evils are not of exactly the same kind. It is only by a broad interpretation that the title of the book can be made to cover all cases in the first group. For no one can maintain that all carelessness or every neglect of possible preventive measures is criminal.

The extent to which insurance is responsible for careless destruction of property is overestimated. The author appears to confound the question, how much insured property is destroyed through carelessness, with the very different question, how much greater is such destruction than it would be if the property were not insured. It is impossible to prove that in any particular case a man was careless because he was insured. In the nature of the case the argument must be largely *à priori*. The same kind of argument might be used to defend the position that insurance has little effect on the amount of loss. For carelessness is a matter of habit and character and not a matter of calculation, and a person cannot assume or lay aside the practice of carefulness at will. That insurance in some measure increases carelessness seems probable, but undoubtedly it has much less effect in this direction than our author or people in general assume.

On the other hand the possibility of securing protection against loss by means of insurance undoubtedly leads to the deliberate neglect of preventive measures. The author gives some striking illustrations of that fact from the history of marine insurance. But here again he overemphasizes the magnitude of the evil by failing to point out that there is a limit to the extent to which it is desirable to go in adopting preventive measures. However difficult it may be to decide practically just what precautionary measures it is economically advantageous to adopt, theoretically the line is easily drawn at the point where the cost of the preventive measure equals the resulting reduction in loss.

Over-insurance and its direct incentive to crime is the most important subject of which the book treats. The characteristic crime of marine insurance is barratry, that of fire insurance is arson, that of life insurance is murder. Barratry, which prevailed to an appalling

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extent a century ago, is now almost unknown. Arson on the other hand is not uncommon, and seems on the whole to be on the increase. The author brings out very forcibly the influence exerted by the existing method of remunerating fire insurance agents, by commissions on the amount of insurance written, to dull the scent of the agents for over-insurance and fraud.

In the increase in the number of murders committed for the sake of obtaining insurance the author sees the greatest danger at the present day from the institution of insurance. He gives us no statistics from which to judge of the prevalence of the evil or of its growth, but is content to describe at unnecessary length two or three recent notorious crimes of this nature. The insurance of the lives of young children by their parents receives special consideration. It is encouraging to note how few instances the author was able to discover of the murder of young children for the purpose of obtaining insurance money. Indeed, for the United States there is not a single well-authenticated instance on record.

The remedies which the author proposes for the evils described are three in number. Insurance should be strictly limited to insurable interest; more weight should be given to the so called "moral" element in a risk, *i.e.*, to the character and circumstances of the person desiring insurance; and the method of remunerating agents should be changed. The last proposal, although the change is very desirable, the author acknowledges to be somewhat quixotic, and confesses himself unable to suggest any practicable substitute. The second remedy is one which must be applied by the insurance companies if it is to be done at all, and is also one which it would be very difficult to enforce equitably. Moreover the recommendation might well have been made more general, to the effect that risks should be classified more minutely and the premiums be made to vary more closely with the risk. This would greatly reduce the tendency of the insured to neglect proper precautionary measures, since the adoption of any such measure would cut down the cost of insurance.

With regard to the first proposal, to limit insurance strictly to insurable interest, it may be said that the law already prescribes such limitation. In the insurance of property the law is strictly administered. A court would refuse to enforce an insurance contract when it was shown that insurable interest was lacking. In the case of life insurance, however, the term is construed liberally, a certain degree of relationship being held to establish a presumption of insurable interest. A person paying the premiums on his own policy may name any per-

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son whomsoever as beneficiary. In certain special cases a contract is held valid if there were insurable interest when the contract was entered into. Thus a creditor may take out a policy on the life of his debtor, and may continue the policy in force even after the debt has been paid. It certainly seems desirable that the doctrine of insurable interest should be applied more strictly in life insurance than is now done. The complete enforcement of the principle would clearly remove all incentive to crime by the insured as a result of insurance.

It is unnecessary to follow the author in his account of "company frauds," since wildcat companies are rather an excrescence on the body of insurance than a part of the system. It is somewhat astonishing to find that the remedy proposed by the author is the removal of all legislative restrictions upon the formation and management of insurance companies. Obviously the current of public opinion, as indicated by the course of legislation in the United States, runs in the opposite direction. Moreover there are at least two good reasons for the common practice of restriction and regulation. In the first place people in general, and the poorer classes in particular, are incompetent to pass upon the qualifications of insurance companies. In the second place unrestricted competition would be an imperfect and extremely costly method of determining fitness to survive in this field.

In conclusion it should be said that the author has brought together in this book a great deal of information about insurance in general, as well as about the specific subject of the book, and has presented it in an interesting way. The information is not new or difficult of access for students of the subject, but it has not before been readily accessible to "the man on the street." Much of it moreover is information which it is extremely important for him to possess.

ALLAN H. WILLETT.

BROWN UNIVERSITY.

Municipal Trade: The Advantages and Disadvantages resulting from the Substitution of Representative Bodies for Private Proprietors in the Management of Industrial Undertakings. By MAJOR LEONARD DARWIN, New York. E. P. Dutton & Company 1903. — 354 pp.

There are few books on this vexed question of so judicial a temper and of so thorough and comprehensive a character. Every paragraph of the work contains an argument for or against what in America we call municipal ownership of public utilities. An extended analysis of

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contents precedes each chapter, and in addition, a single brief thesis, or statement of the thought of the chapter. A short appendix gives a summary of the joint parliamentary report of 1903. The work has an excellent index. The chief forms of municipal activity treated are: markets, baths, harbors, piers, water supply, gas, electric lighting, tramways, omnibuses and house-building, together with the subsidiary operations connected with the chief ones considered.

The reader is never for a moment left in doubt as to Major Darwin's position as an opponent of municipal ownership on the scale in which it is now practiced in England, to say nothing of further advance, which the author regards as inevitable. Nevertheless, Major Darwin presents almost every possible argument on the other side with a fairness and fullness quite unusual in any work on a controverted subject. He frankly and frequently admits that no general formula can be laid down, but that, within wide limits, each case must be decided upon its own merits, and in the light of the particular circumstances connected with it. Yet with each chapter it becomes increasingly plain that our author is a thorough individualist, and a firm, yet reasonable adherent of the classical or orthodox school of economics.

In fact, every important conclusion reached by him rests ultimately on the assumption that the field of effective competition is wider than those who hold a more radical theory of social progress and the distribution of wealth would for a moment admit. He says (analysis of chapter xi, page xx), "Our conclusions must be largely guided by common-sense considerations; and such considerations tell against municipal house-building." This thought runs through the whole work. The *a priori* method is first employed and the results then tested by such statistics as are available.

The only service which our author is willing to turn over to public ownership and management is that of domestic water supply. The distinction between this and other forms of municipal service is that water, being a prime necessary of life, should not be sold by measure, that the supply of it is a monopoly, and that no substitute can be found for it. To those with a different conception of social solidarity and human progress, it would naturally occur that while partial substitutes may be found for other services, and consequently a somewhat greater degree of competition may be introduced, such competition is, in many instances, at least, of so limited a kind as to fall far short of the desired results. While no one will raise any objection to Major Darwin's methods and arguments, many will find themselves compelled to disagree with him in his conclusions, since these are based upon estimates

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of the relative weight of various considerations which are not in themselves susceptible of exact measurement.

What has just been said applies with special force to our author's treatment of the statement that the decision in any particular case should not rest entirely upon the relative economic efficiency of private and public management. Nearly all will agree with this in the abstract; but when we attempt to decide what degree of efficiency is a fair offset for certain social inconveniences and evils, real or supposed, we are no longer guided by the facts in the case, but by our social theories and preconceived ideas of the comparative importance of these two entirely incommensurable elements.

If we turn to Major Darwin's direct attempt to compare the results of public and private management in these undertakings, we find once more that his conclusions rest on his ultimate social and political philosophy. He insists that we ought not to compare present private and municipal management, but reformed private and public management.

While he freely admits that in all cases of monopoly, either public ownership or public regulation is necessary, yet he concludes that regulation offers the greater hope. In the last analysis this conclusion rests on the belief that progress in the past has been largely due to private initiative, and that such must be the case in the future. Adherents of another school of social philosophy, however, will hardly admit the unmixed beneficence of competition in the past; moreover, they believe that changed circumstances are narrowing the field in which competition works to the advantage of society. Furthermore, they believe that the very philosophy which makes us cling to private ownership is likely to make attempts at the regulation of private enterprise ineffectual.

The work is thoroughly English in its point of view, although it contains many references to American municipal corruption. Major Darwin advocates a commission of the central government to deal with municipal service, basing his suggestion on what he conceives to be the work of commissions in Massachusetts. He declares that for purposes of control a local commission is not only a prejudiced party, but is also sure to be lacking in the necessary technical knowledge.

Greater familiarity with American experience in commissions would doubtless have led the author to modify his suggestions on this subject. He proposes but one commission, which shall have control of all these undertakings of various kinds for the whole of Great Britain; and proposes to give it important powers in granting concessions to companies as well as in controlling the companies. If American experience teaches

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anything, it teaches that the part played by such a commission in granting concessions would make it less effective as a controlling agency, while the extent and variety of its powers would prevent its members from ever becoming thoroughly expert in any one line.

JOHN H. GRAY.

NORTHWESTERN UNIVERSITY.

The Tenement House Problem, Including the Report of the New York State Tenement House Commission of 1900. By various writers, edited by ROBERT W. DEFOREST and LAWRENCE VEILLER, 2 vols. New York, The Macmillan Company; London, Macmillan & Company, Ltd., 1903. — xxxi, 470 ; vii, 516 pp.

First Report of the Tenement House Department of the City of New York, January 1, 1902 — July 1, 1903. By ROBERT W. DEFOREST, Commissioner. 2 vols., 1904. — vi, 426; 480 pp.

The failure of the state of New York to make any appropriation for the publication of the valuable report of the tenement house commission of 1900 was matter for general regret, but the volumes under review more than make up for this deficiency. They include not only the material collected by the state tenement house commission, of which Mr. deForest was chairman and Mr. Veiller, secretary, but the tenement house law of 1901, as amended in 1902 and 1903, and an introduction written by Mr. deForest indicating what has been done under that law by the tenement house commission. By rare good fortune the editors of these volumes, who had rendered conspicuous service to the cause of tenement house reform as chairman and secretary, respectively, of the tenement house committee of the Charity Organization Society, organized in 1898, were chosen commissioner and secretary, respectively, of the tenement house department created by the act, which as members of the state commission they had helped to draft. Thus the very men who did most to secure needed modifications in the law were those charged to see that the new provisions were enforced. The results have shown that in this case, at any rate, the reforms advocated were practical, and the reformers the men best fitted to secure their execution.

The volumes under review present an exhaustive examination of all the different phases of the tenement house problem. Following the general report and recommendations of the commission are chapters on tenement house reform in New York City, 1834 to 1900, housing

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conditions in other cities at home and abroad, statistics of tenement houses, tenement house fires, fire escapes, back-to-back tenements, sanitation, financial aspects of the question, the views of tenants, the views of an inspector, tuberculosis, parks and play grounds, the evils of prostitution and policy playing, public baths, *etc.* These chapters are supplemented by ten appendices, giving among other things a digest of the laws previously passed, the present law, and an account of the meetings of the commission and of the testimony submitted to it. The work is abundantly illustrated with pictures revealing present evils and with sketches and plans of actual and projected model tenement houses. Finally, it is supplied with an excellent index.

Confronted with such an embarrassment of material, the reviewer cannot perhaps do better than to repeat in outline the story told in these volumes. The evils resulting from bad housing conditions in New York began to receive attention as early as 1842. The Association for Improving the Condition of the Poor addressed itself to the problem shortly after its organization in 1843 and has ever since played an influential part in securing tenement house reform. The first tenement house law was passed in 1867. From that time until the enactment of the law of 1901 there was more or less continued agitation for further restrictions which failed to bear fruit, partly because of public indifference and partly because of the non-enforcement of such laws as were secured. Incidents of this period were the erection in 1855 of the first model tenement house by the Workmen's Home Association, and its speedy reversion to the condition of one of the worst tenements in the city. Equally discouraging was the award of the first prize in the competition set on foot by the *Sanitary Engineer* for a model tenement for a lot 25 × 100 feet to the designer of the notorious dumb-bell tenement. Both events illustrate the difficulty of foreseeing the results of a departure from the established order in connection with the construction of tenement houses. The building of high tenements was begun about 1879 and the predominance of the dumb-bell type since that date leads the commission to the declaration that housing conditions in New York City were actually worse, from the point of view of sanitation, in 1900 than they had been fifty years before when the agitation for improved tenements was first seriously begun. An important forward step was the holding of the tenement house exhibit under the auspices of the committee of the Charity Organization Society, in the winter 1899–1900. This was viewed by over 10,000 persons and aroused more public interest in the tenement house problem than had ever before been shown. An immediate result was the appointment of

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the state commission of 1900 by Governor Roosevelt, out of which the remarkable progress of the last three years has grown.

The failure of the protracted agitation for tenement house reform to accomplish beneficial results must be ascribed partly to the indifference of the state legislature, shown by its failure to enact needed laws, partly to the lack of adequate appropriations for the inspection of tenement houses and the enforcement of such laws as were passed, and partly to the inefficiency and corruption of city officials charged with such enforcement. The last evil is obviously one that cannot be remedied by legislation. To cure the first and second, the commission of 1900 made recommendations which constitute the chief provisions of the present law. Of these the most important was the creation of a separate tenement house department with a commissioner at its head receiving a salary of $7,500 and a force of one hundred and ninety inspectors, charged with the task of making monthly inspections of occupied tenement houses and seeing that the law was complied with in every particular. To increase the power of the tenement house commissioner over builders of new tenements, the law provides that plans for such buildings must receive his approval before operations may be begun and that a certificate must be secured from him, declaring a finished tenement to be in conformity with the law, before the latter may be occupied or before the water may be turned on by the water department. Finally, the new law prescribes in detail the rules to which a tenement house must conform, including the proportion of the lot that may be built over, the mimimum size of the yard and of inner and outer courts, the building materials to be used, the arrangement of fire escapes, the provisions for light and ventilation. It requires that separate water closets and running water shall be supplied to each apartment in new tenements, and thus prevents in new buildings the recurrence of the incredibly bad conditions that are presented in some existing tenement houses.

Mr. deForest's brief account of the results of the new law is most gratifying, especially as his optimistic assertions are borne out by the observations of those familiar with the tenement house districts of the city. Among the important changes that have been effected are the prevention of the horrible dumb-bell type of building and the elimination of the discredited air-shaft from tenement house construction. Over-crowding has been reduced and the sanitary conveniences, light and ventilation enjoyed by tenement house dwellers, have been greatly improved. Moreover these changes have been accomplished without discouraging investment in tenement house properties. Building under

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the new law, after a short period of hesitation and uncertainty, has gone forward at a rapid rate, and builders and contractors who were at first bitterly opposed to the new restrictions, are now, if not enthusiastic in their support of the law, at least reconciled to it and willing to admit that the bad results which they predicted have not followed. The short experience of the tenement house department has shown clearly what may be accomplished by a competent inspecting force paying regular visits to the tenement houses of the city and unwilling to accept bribes for special favors. The provisions of the law in reference to the lighting of hallways, and other matters, which have long been a dead letter, are now complied with to the satisfaction of tenants and with increasing willingness on the part of tenement house owners. Contractors have even learned that a profit is to be made from improving the conveniences of old tenement houses, and many of the latter have been purchased on speculation and remodeled in conformity with the law. It is gratifying to learn that such speculations have usually proved successful.

Space will permit only the briefest reference to the *Report of the Tenement House Department.* Its greatest merit is that, in addition to describing what the department did during the first eighteen months of its existence, it explains how it did it, and that so fully that by the aid of the *Report* alone a similar organization could be created in any part of the world. Mr. deForest has modestly kept himself out of the picture so far as possible, but the simple story, told by means of extracts from inspectors' reports, official orders, *etc.*, of the way in which this new department was built up from nothing to one of the most important branches of the city government, bears eloquent testimony to his talent for organization. Many of the devices which he introduced for recording facts collected and keeping a check on the work of subordinates might be introduced with advantage into other departments, and it is to be hoped the *Report* will be widely read by those entrusted with the practical administration of public affairs. Like the volumes on the tenement house problem, the *Report* is abundantly illustrated with photographic reproductions, maps, charts, *etc.*, which serve to make the whole situation vividly clear to the reader's mind. Together the two works constitute a veritable encyclopedia of information about tenement house conditions in New York City, and their publication may without exaggeration be said to mark an epoch in this department of city administration in the United States.

HENRY R. SEAGER.

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The Adjustment of Wages: A Study in the Coal and Iron Industries of Great Britain and America. By W. J. ASHLEY. Longmans, Green and Company, London, New York, and Bombay, 1903. —xx, 362 pp.

The text of this volume is composed of eight lectures which were delivered by Professor Ashley on the Dunkin foundation at Manchester College, Oxford, during the first three months of last year. The lectures deal chiefly with the subject of collective or corporate bargaining respecting the remuneration and conditions of labor in Great Britain and America. For some time now this method of collective arrangement has superseded the individual agreement in practically all the large industries of England, and, despite much opposition from employers, has made considerable progress in the United States. The author has selected for examination the allied group of industries which have to do with the production of coal and of iron and steel; in the first place, because of the magnitude of these industries, employing, as they do, tens of thousands of men, practically all of whom, in England at any rate, are organized in unions; and, secondly, because these industries best represent the development of the collective bargaining idea. The growth of this form of bargaining has led, especially in England, "to the institution of a certain mechanism for adjusting the remuneration of labour," and it is to a study of this mechanism in its various forms and the very important questions of principle which arise in the course of its working that the author gives special attention.

Preliminary to the more specific discussion of principles the author lays down the broad proposition that unionism should be looked at from the points of view both of psychology and of business administration. As to the psychology of the matter, "unionism is only an example on a large scale of the natural gregariousness of similars." Where tens of thousands of people work under the same conditions, with the same standard of living, and are influenced in their income and expenditure by the same decisions of their employers, they naturally come together, talk over their affairs, and develop a class feeling (pp. 12, 13).

From the administrative point of view, the carrying on of industrial enterprises on a large scale necessarily involves common rules. In the modern large enterprise it is administratively impossible to make specific arrangements as to wages and conditions of employment with each individual workman. Moreover, an employer is seriously hampered if, in addition to the supervision of technical processes and com-

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mercial details, he is compelled to be ever on the alert against the competition of rivals who obtain labor more cheaply than he. A common rule of wages for an entire industry is therefore a labor-saving device of great importance to the employer (pp. 14, 15).

In Great Britain the organization of labor in the several coal-mining districts is practically all-embracing (p. 30), while the whole field of the iron industry and a large part of the field of the steel industry is covered by a network of boards of conciliation (p. 142). These organizations of labor have for many years been formally recognized by the employers and through their officers and various boards have negotiated regularly with representatives of their employers; and "not as a matter of condescension, or charity, or courtesy, but as a simple matter of business" (p. 11).

Similarly, in the United States, collective bargaining or, as it is coming to be called here, the "joint agreement" has been adopted in these industries: very generally in the bituminous coal industry in the older coal-producing states; to a very limited extent in the anthracite coal industry, since the great strike; and to a considerable extent in the iron and steel industries. In none of these industries, however, is the institution by any means so permanently established as it is in the parallel industries of Great Britain. And, if we except the operators of the soft-coal industry, especially those of Illinois, it may also be stated that the attitude of employers in this country even in those industries where the joint-agreement idea has made progress, is for the most part one of tolerance rather than of sympathetic coöperation.

In his comparative study of the working mechanism by means of which the workmen of the two countries carry on negotiations with their employers, Professor Ashley shows many parallelisms and some striking differences. In the coal industry, for instance, there is the Miners' Federation of Great Britain, which corresponds with the United Mine Workers of America, although the former is probably more nearly all-embracing than the latter. Again, the British organization is composed, for the most part, of district federations, which correspond roughly with the state organizations which make up the United Mine Workers of America, and in both countries there is of course equal voting representation of employers and employees in all the various boards of conciliation and scale committees. In Great Britain, however, the employers have perfected more formal organizations for carrying on their part in the negotiations than have those in America. In America there is no national organization of coal owners, and, if we except the Illinois Coal Operators' Association, no such well

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organized state bodies as these of the British districts. Another point of difference that is noted is the fact that in Great Britain, when the boards of conciliation cannot come to agreement upon issues under discussion, provision is made to call in a disinterested outsider who as neutral chairman or umpire, after hearing the evidence, renders a decision which is binding upon both parties. In America the boards or scale committees themselves settle all questions that come before them for consideration. The parallelisms and differences in the various negotiating bodies in the iron and steel industries of the two countries are found to be much the same as those noted in the coal industries.

If we inquire what are some of the principles which have been asserted in the course of negotiations between employers and employees, we find that that of the minimum or living wage holds a prominent place. In the earlier years, in the British coal industry, miners' wages were for a long time determined by sliding scales, wages following selling prices. Obviously under this simple arrangement there was no limit below which wages could not go; and the coal owners in competition with each other frequently made long-time contracts for the sale of coal at lower and lower prices, knowing that with the sliding scale arrangement they could reimburse themselves through a corresponding depression in the cost of labor. With the establishment of the Federated Districts Board in 1894, however, a new plan was adopted which was to run for ten years. A minimum was established below which miners' wages were not to be depressed, and a maximum above which they could not be raised. Within these limits the board might determine the rate of wages for a given time, and it might make them depend upon prices, or it might take into consideration other factors as well. And as a matter of fact the miners themselves as well as their employers have for some time been taking account of other factors, such as the state of the market, the strength of the demand for mine labor, and the cost of production. The attempt in this plan is, within certain limits, to make the cost of labor a fixed charge on production; in other words, to make the selling prices follow wages rather than to let wages follow prices. Whatever may be said upon this question from a theoretical point of view, so far as the miners are concerned, as the author points out, they have come to regard the compact as an acceptance of their principle of a minimum or living wage. In the American coal industry this question has never presented itself in just this form, if we except the sliding scale features of the anthracite coal industry. Like the British miners the American soft-coal miners have insisted upon the principle that the cost of labor should be determined first, and set high

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enough to afford a living wage, and that then prices should follow wages; but the minimum and maximum features have at no time been adopted.

In the British iron and steel industries, in contrast with the rule in the coal industry, general rates of wages with few exceptions are determined by the older type of sliding scales. Thus in the manufactured iron trade of the North of England and of the Midlands "wages are in a fixed ratio to the average net selling price, deduced according to recognized rules from the quantities and prices of the various descriptions of iron as ascertained by accountants every two months" (p. 146). It is interesting to note the reason why the sliding scale method is so generally in vogue in these branches of industry, while it has had to be abandoned in name and, as we have seen, greatly modified in practice in the coal-mining industry. The explanation, the author states, is probably to be found in two circumstances, first, the "long contract" system, which always endangered the sliding scale in the coal industry, does not exist at all in the iron and steel trades, owing to the fact that in these trades the great fluctuations in the price of raw material render long-time contracts too dangerous and speculative; secondly, "there is some reason to believe that combination among the employers has been more successful in 'regulating' prices in the iron than in the coal industry" (pp. 149, 150). In the American iron and steel industries, down to the strike of 1901, sliding scales much like those in the British industries obtained.

A very important fact brought out in the lectures is that strikes are much less frequent where the workmen are thoroughly organized, and also that the stability of the organizations in face of a falling market is increasing, numerous instances being cited of reductions in wages which have been advised by the boards and accepted peaceably by the unions.

The text closes with a lecture on The Legal Position of Trade Unions, in which the author discusses more particularly the legal revolution wrought in Great Britain by the Taff Vale decision, and the question of requiring trade unions formally to incorporate before entering into joint agreements.

Two slight errors in dates may be noted. On page 2 the year 1889 is given as the date when the United States surpassed Great Britain in the production of coal; this occurred in 1899. And on page 231 the great coal strike of 1897 is mentioned as of the year 1898.

Following the text are a number of appendices containing a bibliography and a most valuable collection of reprinted documents illustrative of the chief topics discussed in the lectures. The book is writ-

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ten in Professor Ashley's characteristically critical and scholarly spirit, and the suggestions it offers, gained from English experience, will prove of great value to American readers and especially to American men of affairs in these days of industrial disturbances.

J. E. GEORGE.

NORTHWESTERN UNIVERSITY.

The Anthracite Coal Communities. By PETER ROBERTS. New York, The Macmillan Company, 1904. — xiii, 387 pp.

The Slav Invasion and the Mine Workers. By FRANK JULIAN WARNE. Philadelphia, the J. B. Lippincott Company, 1904. — 211 pp.

These two volumes together constitute a noteworthy sociological study of a phenomenon now to be witnessed on a larger scale in the United States than elsewhere in the world. The ethnic, social and moral character of a community inhabiting a region 1,700 square miles in extent, is being transformed by the immigration of peoples radically unlike those hitherto dwelling there. The outcome of the changes there taking place will be the answer to the question whether American manners, ideals and institutions have vitality enough to assimilate the Slavonic character as they have assimilated the Celtic and the Teutonic. Thus far in the evolution of the American people, the foreign elements absorbed have been chiefly of the same ethnic stocks that centuries ago combined to create the English blood. The immigration that we are now receiving is chiefly Italian and Slavonic. If we can convert these stocks also into good American stuff, the stability of our national character will be assured.

Dr. Warne's account of the Slav invasion is slight and not altogether satisfactory. His chief interest is in the labor situation, and the conflict that has been precipitated by the attempt of the English-speaking miners to hold their own against lower standards of living. It must be regretted that Dr. Warne accepts the local use of the word Slav as a comprehensive term for all non-English speaking elements in the anthracite mining districts. Ethnically, intellectually and sociologically the Italians and the Slavs are as unlike as the Italians and Welsh, and the writer of a scientific book is without excuse in condoning a misuse of terms that must inevitably lead to confused and mischievous thinking.

Dr. Roberts's volume is a model of detailed, comprehensive and well-ordered description. No other work that has ever been done in this

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country in the field of descriptive sociology can be put in the same class with it. It is work of the same judicious, thorough-going quality, that we find in Booth's *Life and Labor of the People of London.*

Beginning with a general description of the territory in which anthracite miners live, Dr. Roberts leads up to an account of the immigration movement, and the resulting composite population, in which he distinguishes twenty-six different elements. Nowhere confusing the Slavonic with the Italian blood, he observes that wherever the Slavs have settled in the mining towns a complement of Russian and Polish Jews is invariably found. These Jews seldom work in the mines, but here as elsewhere they find their way into trade and rapidly accumulate wealth. Dr. Roberts says of them: "They raise large families, are tender fathers and faithful husbands. The males are rugged and well developed; the females strong and mothers of children." Of the 100,000 Slavs the Poles were the first to arrive and are the most numerous.

Dr. Roberts' general estimate of the Slavs may undoubtedly be taken as the judgment of a man who knows his facts and weighs his words. "As a factor in the operation of these collieries," he says, "the Slav is indispensable. His political importance is daily increasing, and if aided by means whereby his social worth may be enhanced, he is capable of taking his place in the ranks of more highly civilized immigrants to our country." He is obedient, courageous, capable of great physical endurance and industrious. Imitative to a high degree, he has absolute confidence in competent leadership. In school the Slav children excel the Anglo-Saxon children in penmanship, drawing, mathematics and discipline. The Slav is fatalistic and superstitious, but while he follows his priest in the ceremonies and rites of the church, he resents priestly interference in industrial affairs. His morality is altogether distinct from his religion. The Pole and the Ruthenian love freedom and are more self-assertive and more independent than the Hungarian and the Lithuanian. The Slav in general is unclean, suspicious, revengeful, brutal, ignorant and clannish. Of 150,000 illiterates in the anthracite district, the majority are Slavonic. The Slav has the instinct of acquisition and is rapidly buying real estate. He takes to American citizenship, but at the same time clings to old social customs, especially those pertaining to festivities, weddings and funerals.

All these phases of Slav life Dr. Roberts examines in detail in his chapters on family life, standards of living, education, intellectual and religious life, morality, economy, pauperism, criminality and politics. More space than we can give would be required for a detailed criticism

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of these chapters. We are justified in saying that no American student of our economic, moral or political problems can neglect to make himself familiar with Dr. Roberts's pages.

FRANKLIN H. GIDDINGS.

Women in the Printing Trades. Edited by J. RAMSAY MCDONALD, with a preface by Professor F. Y. EDGEWORTH. London, P. S. King, 1904. — 202 pp.

Women under the Factory Act. By NORA VYNNE and HELEN BLACKBURN. London, Williams & Norgate, 1903. — 205 pp.

Of *Women in the Printing Trades*, Professor Edgeworth says: "It seems to constitute a solid contribution to a department of political economy which has, perhaps, not received as much attention as it deserves." It is the sort of investigation which the American people fail to obtain from their numerous bureaus and departments of labor, an investigation which covers many different aspects of the industry under consideration, and reveals in every chapter a sustained effort to present every view of the subject which has been brought to light, whether or not the preconceived ideas of the editor may be strengthened thereby.

The investigation was "undertaken by the Women's Industrial Council, the Royal Statistical Society, the Royal Economic Society and the Hutchinson Trustees consenting to be represented on the committee responsible for the work." Of the individual investigators, Miss Clementina Black is perhaps the best known to American readers. The term printing trades has been used by the editor in a more comprehensive sense than we are accustomed to, including the manufacture of paper, paper boxes and bags as well as bookbinding.

The work is singularly devoid of generalizations except upon three points, namely, the unwillingness of the women in these trades to undertake responsibility, the absence of independent organization among them, and the consequent necessity for protective legislation in their interest. Thus, on page 91 the statement is made that "taken altogether, the evidence gathered by this investigation proves that neither the demand for improvement nor the organization to make that demand effective exists in the case of the women workers." This may be accounted for by the correlative fact brought out by the table of ages (p. 203), compiled from the census of 1901, which shows that the number of females employed in these trades in England and Wales between the ages of fifteen and twenty is nearly twice as great as at any other

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age. The investigation appears to reveal a somewhat striking absence of married women from the printing trades.

In view of the absence of high-grade skill and training among women workers, indicated convincingly in a short and admirably written chapter, and in view of their youth and incapacity for organization, great importance attaches to the protection afforded the rank and file by the factory acts, which were applied to these trades as long ago as 1867, were amended from time to time, and finally embodied in the Factory and Workshops Act of 1901. The chapter devoted to this subject is the longest, and one of the most interesting and valuable in the book. It gives a brief summary of the law and then deals with the "Economic and Industrial Effects of Legislation." The rigid restriction of the hours of labor of women appears in a few cases to have hastened the introduction of machines for folding. Night work has been much reduced and

the influence of restriction has been shown in the following directions: (1) An increase in the class of workers called "job-hands"; (2) an enlargement of the permanent staff; (3) a rearrangement of the employment of male and female labor.

The third of these changes is practically imperceptible, while the second has affected women most beneficially. This involves the erection of more expensive premises, and can only be adopted by firms whose financial position enables them to meet considerable outlay. It is probably the best means of assuring that work shall be done most efficiently for the employer and under the most favorable conditions for the employed.

American readers, acquainted with the lax enforcement of factory legislation in this country, may read with interest not unmixed with envy the following closing sentence of this instructive chapter:

The efficiency of modern factory industry depends very greatly upon automatic working — upon its standardisation of conditions, and the existing factory law with its inelastic provisions is, in reality, a great aid in maintaining those conditions of efficiency. Now and again an employer complains of some hard experience, and forgets that a departure from rigid rule would destroy the certainty which he feels that the law is treating him exactly as it is his competitors. Such feeling of security is essential to business enterprise.

The second volume under review is of great practical utility because it makes accessible, in compact form and intelligible phraseology, the provisions affecting women of the consolidated industrial law of Great Britain and Ireland as they are now actually in force since the amendments of 1901.

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The characteristic features of the law as here set forth appear to be two: the comprehensive nature of the interference with adult workers, and the wide range of discretion entrusted to the secretary of state, who may suspend or extend provisions in a manner unknown to American legislation in this field. The comprehensive nature of the law is especially noteworthy in relation to the hours of labor. Thus, in textile factories no woman may be employed continuously for more than four and one-half hours without an interval for a meal; and the day must begin at 6 A.M. and end at 6 P.M., or begin at 7 A.M. and end at 7 P.M., except on Saturday. It is illegal to begin at the half hour. In the twelve-hour day at least two hours must be given for meals, of which one must be given before three o'clock in the afternoon.

In non-textile factories the hours are prescribed with equal definiteness, though they differ somewhat from the foregoing. Where no children or young people are employed, the hours may be still different, and in bleacheries and dye-works a fourth arrangement of hours is permitted. Finally, the meal times must be simultaneous for all the women in any given factory.

All these provisions may, however, be greatly modified by the secretary of state, provided that he is satisfied upon two points, namely, that exceptions are necessary owing to custom or the special demands made by the trade either as a whole or in a particular locality; and that such exceptions will not injure the workers.

Evidently the principle underlying the regulation of working hours of adults in England is the opposite of that which is followed in many American states, notably in Illinois. The English practice adapts the restriction to the trade. The American courts tend to hold all such wise adaptation to be class legislation, and therefore unconstitutional.

While the English restrictions upon the working day of women are far more extensive and enlightened than any which have been adopted in this country outside of Utah, where the eight-hour day is prescribed for all employes in mines, factories and smelters, the provisions dealing with home work are surprisingly inadequate from the point of view of the public health and of the welfare of the home workers. The act gives the factory inspector no power to enter the home, or to take any steps whatever with regard to it. The Englishman's house is still his castle, even though he turn his one room into a workshop by taking in goods to make into garments for the market. The penalty for sending goods to infected premises is rather surprising. If they are sent "knowingly or through culpable carelessness" and there is smallpox or scarlet fever present, the fine is ten pounds; if the owner of the goods did not

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know, and could not reasonably be expected to know of the presence of disease, there is no penalty. The regulation of home work is evidently in an extremely tentative stage in England; and is regarded as chiefly the duty of the sanitary authorities, although the number and variety of occupations carried on in homes is large and appears to be increasing.

While the marked bias of the compilers against all provisions applying to women only and not to men deprives the work of any claim to scientific value, this bias is so frankly avowed that the reader is enabled to make due allowance for it. Altogether the book is both suggestive and instructive.

FLORENCE KELLEY.

NEW YORK CITY.

Elements of Political Economy. By JAMES BONAR. London, John Murray, 1903. — 207 pp.

In the little manual which he has contributed to Murray's new series of secondary education text-books, Dr. Bonar reveals all the qualities of vigorous thought, independent judgment and felicitous statement that distinguish his more elaborate writings. Perhaps no request comes to the professional economist so often as a demand for a book which will enable a man of ordinary intelligence but untrained in the lingo of the elect, to acquaint himself with the elementary principles at the root of the commercial and industrial "problems" that periodically disturb the business world. Certainly in few directions is it so difficult to render helpful service. Of comprehensive treatises pitched in technical key, or of crass manuals reminiscent of Mrs. Marcet's *Conversations* and Miss Martineau's *Illustrations*, there is no dearth. But the serviceable hand-book, explicit enough to command the respect of busy men and readable enough to hold their attention, is painfully lacking.

In this last direction lies the prime usefulness of Dr. Bonar's *Elements*. It appears at a peculiarly opportune moment, and the welcome accorded the volume suggests an even larger educational service than that primarily contemplated.

Of the ten chapters that make up the book as originally issued, the first five (dealing respectively with introductory matters, value, capital, wages and rent, and profits and income) acquaint the reader with the general outlines of economic theory. It is necessarily a bird's eye view, but the sweep is comprehensive and the groupings symmetrical. We are in touch with a careful observer of actual economic phenomena,

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while virile concepts and fluent style afford refreshing contrast to the flat aridity of the ordinary economic text-book.

These qualities are, if anything, more prominent in the second half of the volume dealing with currency, trade, finance and social reform. The passing from theme to theme is logical and easy, and there is no lack of positive color and content.

It is however in the supplementary chapter on "Interference with Foreign Trade" issued, in consequence of the extraordinary interest in commercial policy, as an appendix to the first edition and to appear hereafter as an integral part of the volume, that Dr. Bonar is at his best. Forceful statement here becomes eloquent expression and nice phrasing passes into such quotable epigrams as "Protection like perversion or orthodoxy is a fallacy in one word which begs the question," or "The claim for protection is everywhere a claim either of weakness addressed to a strong Government, or of interested strength only too capable of controlling a weak Government."

It may be that such vigor does not make for academic calm; but certainly in the whole mass of pamphlet literature that the fiscal controversy in England has brought upon us, there is nothing which in refreshing definiteness and in terse sanity compares with that which Dr. Bonar has written.

JACOB H. HOLLANDER.

JOHNS HOPKINS UNIVERSITY.

History of Coinage and Currency in the United States, and the Perennial Contest for Sound Money. By A. BARTON HEPBURN. New York, The Macmillan Company, 1903. —xx, 666 pp.

This book satisfactorily fulfils the intention of the author as laid down in the preface. It is designed as a "work of convenient size and popular character, covering the history of coinage and currency of the United States with data and details in chronological order, available as a book of reference." Possibly the work has not all the earmarks of popularity, but it is certainly convenient, orderly in arrangement and precise.

The field of this book is a familiar one, but in spite of all that has been written, I recall no single work which brings together in one volume the essential legislative facts regarding all the different kinds of money known to American experience. For the period preceding the Civil War, there are three chapters on the currency system; two on colonial currency and the Federal Bank, and two on state banking; for the period from 1861 to 1890, four chapters on legal tender notes, two

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on the silver question, and three on the national banking system; for the period since 1890, one chapter on the silver contest of 1896, and one on the reform act of 1900. The work concludes with a general review, a descriptive and serviceable bibliography of a dozen pages and an appendix of two hundred pages. In this are reprinted extracts from the principal laws relating to coinage and money; Jefferson's notes on a coinage system; Hamilton's report on the mint; Jefferson's letter of approval; and Hamilton's report on a national bank. The index is analytical and detailed; and in addition there are marginal titles throughout the volume which aid the reader who is looking for some special point. All in all the work is a helpful tool to the student.

The usefulness of the volume is strengthened by concise and intelligible statistical tables appended to the several chapters, which have been either prepared or verified by Mr. M. L. Muhleman, a most competent authority. These are naturally based upon official data, such as the reports of the secretary of the treasury and of the comptroller of the currency. Presumably they have been independently compiled, for the tables on state banking differ materially from those published in the Monthly Summary of Commerce and Finance of July, 1898. The author accepts the term "banking power" which has been recently used by the comptroller of the currency in his annual reports and is borrowed, I believe, from Mulhall. The term is an interesting one, but should be used with care. Is it proper to include both capital and circulation among the several elements which go to make up the total, if circulation depends upon bonds which must be purchased out of the capital? And if deposits in trust companies are redeposited in national banks, should both be included in a statistical measurement of credit?

Mr. Hepburn has had a practical experience in banking affairs which gives weight to his exposition. As superintendent of banks in New York, and as comptroller of the currency from 1892 to 1893, years which tried the banks and gave rise to the greatest variety of currency schemes, he has been forced to a careful consideration of monetary history. Although he presents his data with fairness, he does not neglect to voice his own convictions. He wishes to assure "stability as to metallic money, security and flexibility as to paper currency, to the end that prices may not be subject to ruthless disturbances and interest rates be reasonably uniform and equitable throughout the land." This is a heavy burden to place upon the money medium, and if this goal is the ideal without which currency is in some degree unsound, it may well be feared that the contest will remain perpetual.

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Mr. Hepburn believes in the act of 1900. It is not probable that except under extraordinary conditions the gold standard has anything to fear from the present amount of silver currency. The situation is vividly summarized: "Silver is laid under contribution to perform the daily exchanges of the workaday world and cannot leave its task either directly or indirectly to aid in withdrawing gold out of the treasury. It is chained to the wheels of industry." Mr. Hepburn believes that the sub-treasury system has worked mischief; he finds good in the old United States banks but admits that the establishment of a central bank at the present time would not be desirable. Federation and not centralization is the true line of reform. Under the circumstances the most practical remedy is to permit the secretary of the treasury to deposit all bonds over and above the reserve maintained against legal tender obligations and ordinary checking balances, in the banks of reserve cities. In the elasticity provided by the emergency circulation of Germany and the safety fund in the Canadian system, he finds much to approve.

DAVIS R. DEWEY.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

Cartells et Trusts. Par ÉT MARTIN SAINT-LÉON. Bibliothèque d'économie sociale. Collection publiée sous la direction de M. Henri Joly, vice-président de la société d'économie sociale. Paris, Victor Lecoffre, 1903. — viii, 248 pp.

This remarkably clear exposition is a concrete elaboration of the author's main thesis that industrial history shows a perpetual oscillation between the two poles of liberty and restriction, but that history is never a mere resurrection of the past and the process of evolution will discover and work out truth and social advantage midway between the two extremes.

The cartell or pool is characteristic of continental Europe, the trust of the United States and England. The author appears to think that this is due, not so much to the higher economic development of the Anglo-Saxon countries as to the extreme individualism encouraged by their laws.

In Germany the courts have gone so far as to enforce contracts between the selling-syndicates and their individual members; and it is only since the recent industrial depression in that country that there has been any popular clamor against these numerous and powerful associations. In Prussia the state itself is a member of the *Kali-Kar-*

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tell and exercises effective control over output and prices. In Austria the cartells have been more oppressive and unpopular than in Germany, and at the same time less permanent.

In France, article 419 of the penal code appears to forbid all combinations in restraint of trade, but hitherto it has not been rigidly enforced, largely because of the moderation of the industrial syndicates. In case of need the courts would, no doubt, give a more severe interpretation, and the law is, therefore, of considerable potential value.

Some organization of producers is absolutely necessary, and it is neither possible nor desirable to suppress the cartells. As a rule they have been socially beneficial, but at times their methods have been questionable and oppressive. During the recent industrial depression in Germany the coal syndicates insisted on maintaining prices to the disadvantage of the manufacturing interests. Similarly, the sugar cartells habitually maintain prices in the home markets, while supplying the British consumer at very low prices. This effect will be largely prevented if the various countries abolish the bounty system, in accordance with the resolutions of the Brussels Conference.

The account given by the author of cartells in European countries is in part a compilation of the information contained in the United States special consular report on *Trusts and Trade Combinations in Europe;* but all the other leading sources have been consulted, as is shown by the excellent bibliographies cited and the frequent foot-notes.

M. Saint-Léon's discussion of the American trust shows a remarkable familiarity with recent economic and political thought in the United States. The financial organization of the trust, in its various forms, is briefly and lucidly explained. The trust is, perhaps, the outcome of the American idea of scientifically organized production, but it is to some extent the work of shrewd promoters who have transferred to the investing and speculating public enormous quantities of watered stock. Over-capitalization, the author asserts, is "the most characteristic feature of the trust," and he goes so far as to say, in curiously cis-Atlantic French — "*pas de watering, pas de trust.*" He quotes with high approval the investigations of Professor Jenks concerning the influence of trusts upon prices, and gives other authority to confirm the view that both trusts and cartells frequently exercise monopoly power by controlling prices and increasing the producer's margin of profit. It is also clear, he thinks, that trusts are fostered by a protective tariff.

The power of trusts in the United States, the author believes, is largely due to the nature of the federal Constitution, under which ef-

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fective control is difficult or impossible. The situation demands federal control, and it may be necessary to secure an amendment to the Constitution with this end in view. In the first place, there should be a national corporation law, with provision for reasonable publicity and accountability. Secondly, the weapon of tariff reform should be held in reserve. Discrimination in railway rates should also be prevented, and some limitation of the power of the Standard Oil Company could be secured by control of transportation by pipe lines.

M. Saint-Léon favors the cartell rather than the trust. Monopoly, he says is not the necessary end of the cartell. It preserves the independence of its members, there is no undue inflation of capital, and the benefits of organized production are usually secured by a conservative and moderate policy. Monopoly, on the other hand, is an anti-social phenomenon — the exploitation of the weak by the strong.

Wherever the trust is found [the author says] it tends to a régime of industrial tyranny, which, while enriching the few beyond all reasonable limits, is prejudicial to the general welfare.

With regard to both forms of industrial combination we have two extreme theories: on the one hand glorification of the trust as the necessary product of economic evolution, on the other indiscriminate denunciation of the slightest tendency toward monopoly. Economic truth lies midway between these two extremes. We must seek for a principle of reconciliation between the interests of industry and those of society at large. This principle is necessarily contingent, varying with changes of place and time. It nevertheless exists and cannot long be hidden from conscientious investigation. Economic preëminence will belong to the nation that shall discover this principle and take it as the rule of her industrial politics.

J. E. LeRossignol.

University of Denver.

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BOOK NOTES.

In July, 1903, the governor of Massachusetts appointed, at the instance of the state legislature, a committee on the relations between employer and employee, which included among its members such men as the Hon. Carroll D. Wright and Professor Davis R. Dewey. Its report, published in a pamphlet of 118 pages, presents a valuable review of the questions which arise between employer and employee and which call for legislative interference. Such topics as profit sharing, arbitration, the attachment and assignment of wages, the regulation of the hours and conditions of labor, employers' liability and the use of the injunction in labor disputes, are discussed and amendments to the present Massachusetts laws suggested. The recommendations of the committee are favorable to a further restriction of the hours of labor of women and children; to continued reliance on purely voluntary arbitration, supplemented, however, by cumpulsory investigation through the state board of arbitration for the settlement of labor disputes; to the discontinuance of "omnibus" injunctions, and provision that punishment for crime shall take into account any punishment for contempt of court that may have been imposed in connection with the commission of the crime; and a workmen's compensation act similar to that adopted by Great Britain in 1897. These recommendations are reenforced by cogent arguments and by appendices giving the laws of other countries. If followed up by the state legislature, the work of this committee should serve to confirm to Massachusetts its well-earned title of leader in the field of labor legislation in the United States.

The Economic Seminary of Johns Hopkins University has compiled and published under the direction of Dr. George E. Barnett, a *Trial Bibliography of American Trade-Union Publications* (Baltimore, The Johns Hopkins Press, 1904; pp. 117). All of the documents referred to are to be found either in the Johns Hopkins University Library, the John Crerar Library at Chicago, the Library of Congress, or the Library of the United States Department of Labor at Washington, or at the central offices of the unions themselves, and letters are used to indicate the source of each particular title. The bibliography refers to more than one hundred different unions and includes, in addition to their periodical publications, references to their constitutions of different dates, to the proceedings of their congresses and conventions, and

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to printed agreements between employers and employees. Students of the labor problem owe a debt of gratitude to Dr. Barnett and his associates for this valuable aid to the discovery of such an elusive body of literature as that published by American trade unions.

It would be much to expect that a body of foreigners, in a hasty trip through the United States, should in the intervals of dinners and sightseeing manage to gain a very profound insight into the conditions of labor and industry here. Nevertheless, there is much that is of general interest to American readers in the *Reports of the Mosely Industrial Commission* (London, Cassell & Company, Ltd., 1903; 279 pp.). As American industry is rapidly advancing toward a state in which the foreign market will be of vital importance, it is interesting to us to know how our labor force compares in skill and efficiency with that of our chief foreign competitor, and whether our social and industrial organization is to prove a handicap or an aid to us. On matters of this kind, the *Report* offers numerous valuable suggestions, and our only regret is that it could not have been made more thoroughgoing than the limited time allotted to the investigation permitted.

The *Office International du Travail* has recently added to its useful publications, monographs under the editorship of Professor Étienne Bauer of Basle (Jena, Gustav Ficher, 1903), upon the *Night Employment of Women in Industry* and upon *Dangerous Trades*. The former contains an exhaustive account of the restrictions on the night employment of women in the leading countries of the world. These accounts are written by specialists in the respective countries and may confidently be accepted as accurate. In addition to editing the volume, Professor Bauer adds greatly to its value by contributing a fifty-page introduction, tracing the history of restrictions on the night employment of women and comparing the present laws of different lands. The monograph on *Dangerous Trades* refers especially to the match and white lead industries. It also is a collection of essays by specialists on the different phases of the subject as they appear in different countries. Professor Bauer contributes a helpful historical introduction also to this monograph.

About two years ago a series of letters appeared in the London *Times* ascribing the industrial troubles to the excesses of trades unions. These articles, which created quite a stir, have now been reprinted in book form by their author, Edwin A. Pratt, under the title, *Trade Unionism and British Industry* (New York, Dutton). As a one-sided presentation of the case, there is no doubt that the essays contain a vigorous and apparently justifiable indictment of union methods. For the stu-

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dent, however, the book must be supplemented by the replies of Mr. and Mrs. Sidney Webb and others.

Anyone who wishes to know all there is to know about the business operations of the modern commercial bank may gratify his desire by reading Professor A. K. Fiske's *The Modern Bank* (New York, D. Appleton & Co., 1904; 348 pp.). No detail of business practice is sufficiently trivial to escape Professor Fiske's notice. As a consequence the book is invaluable to those who expect to enter the banking business, and very useful to the theoretical student of banking; and as a further consequence, it is unspeakably dull reading. The text is illustrated by numerous well selected and well executed cuts of various forms of business documents.

The second edition of M. Aug. Arnauné's well-known work, *La Monnaie le crédit et le change* (Paris, Félix Alcan, 1902; 431 pp.), deserves a place of honor in every library of monetary literature. It is surpassingly clear, and it covers very satisfactorily all that part of the field in which a general consensus of opinion has been reached. Controversial material has been for the most part excluded; hence the specialist will search in vain for new light on disputed points. This fault, however, — if it may be regarded as such — does not impair the value of the work as an introduction to monetary science.

The probability that Mexico and China will follow India in adopting some plan by which stability will be given to the rate of exchange between their silver currencies and the gold standard of the rest of the commercial world, lends special interest to Dr. Otto Heyn's monograph on *Die Indische Währungsreform* (Berlin, J. Guttentag, 1903; pp. 375). In addition to a very full account of the reform itself and of the circumstances that led to its introduction, the monograph discusses at length the economic importance of the reform for India (chapter iv) and its importance for Europe (chapter vii). Dr. Heyn furnishes abundant proof of the advantages which both India and Europe have derived from this change, and a study of his chapters is well calculated to encourage those who advocate a similar reform for Mexico and China.

The student of American railway economics owes a debt of gratitude to Mr. G. G. Tunell for an admirable study of railway rates and service in *Railway Mail Service* (Chicago, 1901). The first chapter is a reprint of a statement submitted to the Joint Congressional Commission on postal affairs by the vice-president of the Chicago and Northwestern railway. The authorship of this concise summary was not at that time established. The remaining portion of the book consists of

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reprints of three articles published in 1899 in the *Journal of Political Economy*. The entire collection is undoubtedly the most convenient summary of the question available. The development of the problem has also been treated suggestively by Dr. Tunell in a pamphlet reprint outlining the development of the railway mail service — a lecture delivered at the University of Chicago in 1902. This excellent work of Dr. Tunell's in connection with the voluminous reports of the Joint Congressional Commission constitutes an important contribution to the economic history of the United States.

The schools of commerce in various universities are beginning to show some fruits of their labors in the shape of collections of addresses by men of affairs. Two such volumes lie before us, the *Lectures on Commerce*, delivered at the College of Commerce of the University of Chicago (University of Chicago Press), and *British Industries* (Longmans), delivered to students in the Faculty of Commerce in the University of Birmingham. The American volume is edited by Professor Hatfield, the English by Professor Ashley, who also furnishes an introduction. In the American volume, however, Professor Laughlin gives the introductory address. The lectures in both works are by experts in their respective fields. The American work is about equally divided into three parts, treating respectively of railways, trade and industry and banking and insurance. The industrial part includes talks on the steel industry, the art of forging, advertising, wholesale trade and the credit department. The English work goes somewhat more fully into the various industries like iron and steel, cotton, woollen and worsted, linen and flax; but also comprises a chapter on railways and shipping, and on the trust movement. On the whole, the American volume is the more varied, the breezier, and the more interesting; the English one the more solid, the more instructive, and of greater permanent value.

Combinations of farmers for the purpose of controlling the prices of their products seem to the American student of economics foredoomed to failure. Limitation of production, upon which effective price control obviously depends, is hardly conceivable when producers are so numerous that each feels that a slight increase or decrease in his own operations can affect the whole in only an infinitesimal degree. Nevertheless, agricultural cartells have been formed in Germany, and have attained at least a limited measure of success, and an unlimited measure of unpopularity. A sympathetic account of these cartells will be found in A. Souchon's *Les Cartells de l'agriculture en Allemagne* (Paris, Librairie Armand Colin, 1903; 351 pp.).

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To the lay mind, statistics of exports and imports seem even more mendacious than ordinary statistics. It is decidedly annoying to find that the American figures for exports to England seem to be quite independent of the English figures for imports from America; and though this fact may in part be traced to its cause in differences of bookkeeping, other difficulties not less vexatious are constantly arising. Dr. Gustav Lippert in his monograph *Über die Vergleichbarkeit der Werte von internationalen Waren-Übertragungen* (Wien und Leipzig, Wilhelm Braumüller, 1903; 188 pp.), attempts to show that in spite of appearances, most of the discrepancies in valuation may be explained away. While it can not be said that Dr. Lippert has cleared up the subject completely, nevertheless his work is of distinct value to the student of commercial statistics.

The present controversy in Great Britain makes especially timely the appearance of *Free Trade and other Fundamental Doctrines* of the Manchester School edited and with an introduction by Mr. Francis W. Hearst (Harpers). The book of over 500 pages contains the most important speeches and essays of Cobden, Bright, Hume, Fox and their leading followers. The five divisions treat respectively of England, Ireland and America; the Corn Laws and Free Trade; Wars and Armaments; Colonial and Fiscal Policy, and Social Reform. It will be found a convenient handbook of information.

An important contribution to the literature of Chamberlainism is Mr. J. W. Root's *Trade Relations of the British Empire* (Liverpool, J. W. Root, 1903; 431 pp.). Mr. Root begins with a very intelligent discussion of the geographic and economic conditions prerequisite to a satisfactory customs union, and concludes that the British Empire does not present such conditions. Then he enters upon a statistical analysis of the trade of Great Britain with her chief colonies and attempts to indicate the possibility of radical changes under a system of preferential duties. A careful comparison is drawn between the foreign and the colonial trade, and the point is made that the former is so essential to British welfare that it is dangerous to place impediments in its way. While not a dogmatic free trader, Mr. Root is very decided in his view that Mr. Chamberlain's plan promises ill for both the colonies and the mother country.

A modest contribution to the literature on the same subject is M. Georges Blondel's *La Politique protectioniste en Angleterre* (Paris, Victor Lecoffre, 1904; xv, 161 pp.). Two-thirds of the essay is devoted to a statement of Mr. Chamberlain's position, with the arguments of his supporters and opponents. In the opinion of M. Blondel, the

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policy will in the end be injurious to England; he believes, nevertheless, that the chances favor its adoption. In the last third of the essay M. Blondel discusses the probable effect upon France of the adoption of a protectionist policy by England. France is certain to be injured by such a change in British commercial policy. Retaliation being out of the question, France can seek to reinvigorate her industrial life only through a radical change in the educational system and through the adoption of forms of industrial organization similar to those of Germany.

Another essay by the same author merits at least a cursory examination. This essay, entitled *La France et le marché du monde* (Paris, L. Larose, 1901; 164 pp.), contrasts the position of France with that of her chief competitors, and attempts to account for the relative decline of France in commerce and industry. M. Blondel regards the low birth-rate as the principal cause of the loss of national prestige in economics as in politics. What France lacks most is competent leadership; and the small family is not likely to furnish men possessed of self-reliance and initiative. Other important causes mentioned are the lack of adequate transportation facilities, incapacity for organization (misnamed "individualism" by the author) and an unpractical system of education and unpractical social ideals.

Professor Karl Kaerger's *Landwirtschaft und Kolonisation im spanischen Amerika* (Leipzig, Duncker & Humblot, 1901; 2 vols., 939, 743 pp.), offers a vast mass of information on the agricultural resources of South America. Dr. Kaerger was agricultural expert with the German legation at Buenos Aires, and consequently had excellent opportunity for observation of South American methods of production. A careful perusal of this work will strengthen the belief that if ever Argentina succeeds in securing a good supply of efficient labor, she will become a most formidable competitor in the wheat and livestock markets of the world.

By a curious coincidence two books on the economics of wheat with almost the same title, and yet written in an entirely different way, have recently been published simultaneously in France and the United States. The French work, by Edouard Huet, is entitled *Le Grain de blé, d'où vient-il, où va-t-il*, (Paris, Guillaumin). The American work, by William C. Edgar, is called *The Story of a Grain of Wheat* (Appletons). M. Huet's book discusses in the first part the cultivation of wheat, and takes up in a second part, the French legislation in its relations to wheat culture and wheat trade. Mr. Edgar's book is more popularly written, and contains a somewhat wider survey of facts from

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an international point of view, although especially interesting for its clear account of American methods of production and transportation. Each work will usefully supplement the other.

The third volume of the *Handbuch der Wirtschaftskunde Deutschlands* (Leipzig, Teubner, 1904; xii, 1047 pp.) gives a succinct account of fifty-one of the principal industries of Germany. In the case of each industry, a sketch is given of recent development, technical and economic, and in many instances illuminating suggestions are made respecting probable future movements of the industry. The prevailing technical processes are carefully described, and estimates are given of the extent of the industry. Many pages are devoted to market conditions, and the causes of the prosperity or the decline of the several industries. The work will be of great value to American students who seek to obtain an intelligent view of the resources and potentialities of America's most formidable competitor in the world market.

In his *Gold Bricks of Speculation* (Chicago, Lincoln Book Concern, 1904) Mr. John Hill, Jr., member of the Chicago Board of Trade, very laudably endeavors to acquaint the public with the devices and villainies of those most audacious and slippery scoundrels, the operators of bucket-shops. Mr. Hill, in behalf of the Board of Trade, engaged in a vigorous warfare to put a stop to the swindling operations of the bucket-shops, against which he bears a grudge, since not only do they plunder their victims but they also bring legitimate speculation into disrepute, and tend to depress prices of agricultural products through the diversion of capital that would otherwise find an outlet in *bona fide* transactions. The latter part of the volume is devoted to a defense of legitimate exchanges and an explanation of their methods. The book is written in a breezy style, and should appeal to a wide circle of readers, of whom all will be enlightened by it and some may be preserved from the pitfalls of the form of gambling against which it is directed.

There is no surer indication of the increasing interest taken in economics than the multiplication of text-books that is now in progress. Professor Flux's *Economic Principles: An Iniroductory Study* (London, Methuen & Company, 1904; 324 pp.) is a work true to the best traditions of English economics. The topics treated in his eighteen chapters — value, distribution, money, international trade and its regulation and taxation — are those to which English economists since Adam Smith have devoted greatest attention. Like the English masters, too, in discussing these topics, the author has a marked predilection for the *a priori* method. While the scope and method of his

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work are thus reminiscent of a book like Ricardo's *Principles*, its contents show thorough familiarity with the best contemporary thought. In the chapters on distribution, the influence not only of Marshall, to whom the author acknowledges special indebtedness, but also of Clark and Böhm-Bawerk, is clearly evident. But here as throughout, the author has not so much appropriated as assimilated the contributions of others. His treatment is distinctly his own and all the better because judiciously articulated with the work of other economists. The book, as the title indicates, is introductory rather than elementary. It seems intended for mature students entering on a graded course in economics, and should prove well adapted for this purpose.

Among recent text-books on economics none is written in a more interesting style or shows a deeper sympathy with the social movements of the day than that of the French economist, Professor Charles Gide. The second American edition of this work, *Principles of Political Economy* (Boston, D. C. Heath & Co., 1904; pp. 705), translated and edited by Professor C. William A. Veditz of Bates College is a distinct improvement over the first. Not only has the editor substituted copious American notes and illustrations for those of the French original, but he has added whole new sections (*e.g.* on the tariff history of the United States, on American banking experience, *etc.*) and expanded considerably chapters in the books on Distribution and Consumption. Except as regards the labor and the monopoly problems, the work is now thoroughly modern and up-to-date. It may be recommended to teachers who prefer an encyclopædic treatment of economics to a text in which the theoretic leaning of the author is a prominent feature.

Professors Ely and Wicker are the joint authors of an *Elementary Principles of Economics* (New York, The Macmillan Company, 1904; pp. 388), which compares favorably with other text-books adapted to the needs of students in the secondary schools. The material which it contains is drawn for the most part from Professor Ely's larger *Outlines of Economics*, but in the order of its presentation, the proportionate space allotted to different topics, and the simplicity and clearness of its style, the new work is decidedly superior. It should serve to lighten somewhat the burden now imposed upon teachers of economics in the commercial high schools of the country.

Professor Schmoller has reprinted his well-known work, *Über einige Grundfragen der Sozialpolitik und der Volkswirtschaftslehre* (Leipzig, Duncker und Humblot, 1904; 393 pp.). Along with the three essays reprinted in the first edition, he has included his valuable paper on "Die Gerechtigkeit in der Volkswirtschaft," first published in 1881.

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The two leading Italian economists have enriched the permanent literature of the science by collecting in book form a number of essays written during the past quarter of a century. Professor Loria's book is entitled *Verso La Guistizia Sociale* (Milano, Societa Editrice Libreria), a portly volume of almost 600 pages, divided into three parts, containing respectively his critical, his economic and his sociological essays. Professor Pantaleoni's book is entitled *Scritti Varii de Economia* (Milano, Reino Sandron). It includes essays on finance, on economic psychology, and on the history of economic theory. These volumes will be welcomed by the many admirers of the distinguished Italians, some of whose works are familiar to American readers through translations.

The well known work by Noyes on *American Socialism* was published about thirty-five years ago. It is eighteen years since Professor Ely again treated the subject in his Labor Movement. In view of the fact that the last two decades have witnessed so great a development of socialism, the time had obviously come for an attempt to bring the treatment down to date. Mr. Morris Hilquit, a New York socialist, has endeavored to do this under the title, *History of Socialism in the United States* (Funk & Wagnalls Co.). The first part, entitled Early socialism, adds practically nothing to our knowledge. In the account of the modern movement, however, the chapter on the ante-bellum period gives an interesting sketch of the German socialists. After a rather slight presentation of the period of organization, which is declared to have lasted to the middle of the 70's, the work deals primarily with the socialistic labor party and present day socialism. The author has eschewed all scientific apparatus, such as notes and references, allusions to sources, so that the usefulness of the book to the serious student will be comparatively small. As a running comment, however, on recent socialism, written largely from the inside, the work will have its undoubted place.

A stupendous work has recently been undertaken under the auspices of the International Institute of Bibliography. This is nothing less than an annual classified list of all publications in economics. The first volume containing the works for the year 1902 has appeared under the name of *Bibliographia Economia Universalis*. The title page states that it is published by Professor Mandello of the faculty of law at Pozsony and edited by Ervin Szabo, librarian of the chamber of commerce of Buda-Pesth. It contains 170 pages, printed, however, only on one side of the leaf, which makes it very convenient for annotations and additions. The economic bibliography is the tenth in the

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regular series of bibliographies published by the Institute. The present volume does not include the Scandinavian, Spanish or Dutch literature, although it contains Hungarian titles, due to the fact that the work originally appeared in a Hungarian review. The editor promises, however, to add the missing countries from year to year, in which case the work will not belie its title.

We have to record three additions to the literature of the history of economic theory. Dr. Carl Ilgner portrays in a volume of almost 300 pages the mediæval economic doctrines as contained in the works of Antony of Florence, who wrote at the beginning of the fifteenth century. During the past decade, attention has repeatedly been called to the fact that the archbishop's theological works contain some very interesting passages on the theory of value, and the concept of capital, as well as on the practical questions of the day. It has been reserved, however, for Dr. Ilgner to make a detailed and, on the whole, adequate study of the subject under the title of *Die volkswirtschaftlichen Anschauungen Antonins von Florenz* (Paderborn, Ferdinand Schöning).

A more familiar topic has been treated by Dr. Edouard Dessein, in his book, entitled *Galiani et la question de la monnaie au xviiie siècle* (Langres, Imprimerie Champenoise). M. Dessein calls especial attention to the importance attached by Galiani to the subjective side of the theory of utility and value.

An interesting and novel monograph is that by Professor Souvaire-Jourdan, entitled *Isaac de Bacalan, et les idées libre-échangistes en France vers le milieu du dix-huitième siècle* (Paris, Larose). M. Souvaire-Jourdan discovered in the Bordeaux library a manuscript of philosophical reflections on free trade which Bacalan wrote in 1764. This is now published in full, with a long introduction and some notes. In the admirable introduction, which also contains a life of Bacalan, M. Souvaire-Jourdan points out in detail the three sources of the free-trade theory in France. First came Argenson, with his *a priori, laissez-faire* views, afterwards systematized by the Physiocrats; secondly, came the agricultural influence, which was then as strongly in favor of free trade as it is to-day protectionist. Thirdly, came what might be called the scientific view of economics, due probably to the translation of Hume. Bacalan must be considered as perhaps the most important representative of this third class. The monograph is a distinct contribution to the history of economics.

The title of Miss Frances A. Kellor's *Experimental Sociology* (New York, The Macmillan Co., 1902) gives a wrong idea of the contents of the book. In accordance with the author's own definitions and ex-

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planations it should be called "Criminal Sociology." It is an observational study of crime, and is experimental only in so far as it is limited and inconclusive. It records a first-hand physical, psychical and sociological examination of 55 white female students, 60 white female criminals and 90 negro criminals, undertaken for a synthetic study of the causes of crime. Through the omission of tables and charts the author has so far condensed her material as to render her schedules unilluminating in themselves; and in her anxiety to withhold her own theories, she has failed to interpret her materials. The latter part of the book embodies a discussion of the influence upon crime of climate and education, and touches upon the increase of criminality among women. In this part of the book we find a valuable report upon the provisions made for the discipline of the criminal in the Eastern states. In her portrayal of existing conditions, the author reveals at once discrimination and judgment. It is when she approaches the constructive in criticism that she shows weakness and incapacity. Notwithstanding the partial failure of her efforts, Miss Kellor deserves commendation for enterprise and energy. Her research among criminals has been indefatigable, and her faithful persistence in the face of disheartening opposition merits admiration.

In an age of rapid social and political evolution, much writing on "problems" is inevitable, and the "leading reviews" can be trusted to fill their pages with solutions made out of hand by untrained "thinkers" whose clever journalistic style is worth more in dollars and cents to publishers than the conscientious reflections of disciplined students. Sociological quackery is only less profitable than medical quackery in money and in notoriety. There is this difference however: the sociological quack is often a sincere person. We suspect that Mr. H. G. Wells, the author of *Mankind in the Making* (New York, Charles Scribner's Sons, 1904), takes himself seriously, and it is possible that some of his readers also may take him seriously. His book is a plea for babies, and "lots of them," and a discussion of educational influences. It has all appeared in periodicals, and has received much attention from the reviewers. It is enough to say of it that in the most distressing way it mixes up a great deal of good sense and sharp criticism of fads and follies, with variegated vagaries and abundant misinformation.

Félix Alcan publishes a work which will prove of interest to the student of sociology, *L'Idée d'évolution dans la nature et dans l'histoire* (Paris, 1903; 406 pp.) by Gaston Richard, whose writings on social science are already well known. In this, as in his other works,

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while M. Richard displays little originality or profundity of thought, his exposition is lucid and helpful.

M. Léon Lallemand's *Histoire de la Charité* (Tome I, L'Antiquité; Picard, 1902), is the work of a man who has "devoted his life to the sacred cause of the poor." As official in the Administration of Public Charities, he witnessed the distresses which followed the siege of Paris, and at the suggestion of Léon Gautier began then the investigations which have resulted in the present history. Long practical experience and a genuine sympathy with the poor, joined with a careful scholarly method, make the work doubly acceptable. It is written for the most part directly from the sources, and generous footnotes are supplied throughout. M. Lallemand has divided his subject into five sections, of which the first covers the field of all antiquity as far as Constantine, the second the rise of the Church, the third the Middle Ages, the fourth the transition to the present, the fifth the nineteenth century. The prospectus leads one to look forward especially to the fifth section as the most original in plan, and most valuable from the practical knowledge of the author.

A useful contribution to descriptive sociology is *Homeric Society, a Sociological Study of the Iliad and Odyssey*, by Dr. Albert Galloway Keller, Instructor in Social Science in Yale University (New York, Longmans, Green & Co., 1902). Primarily it is an arrangement under sociological categories of the information contained in the Greek epics. This is supplemented throughout, however, by data and critical considerations drawn from other sources. The categories are: Ethnic Environment; Industrial Organization; Religious Ideas and Usages; Property; Marriage and the Family; Government, Classes, Justice. This arrangement may be criticised as not sufficiently separating the strictly primitive from the later phases of Homeric society. To make that distinction clear it would be better to follow the chapter on Ethnic Environment with an account of the primitive economy, the religious ideas and usages that grew out of it, and the primitive social organization of marriage, family, clan and tribe; then to present an account of the industrial organization that developed after religion and tribal society had appeared; the law — including property relations — that grew out of the industrial relations and social organization; and the political organization — including government — that supplemented both industry and law. The book is well supplied with references, tables of representative passages, and indices.

M. Albert Métin's *L'Inde d'aujourdhui* (Paris, Librairie Armand Colin, 1903; 304 pp.) savors somewhat of the gossipy tales of Herodotus.

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Descriptions of landscape architecture and customs, alternating with allusions to the traditions of exploits of local heroes and demigods, make up a sufficiently interesting, and sometimes instructive narrative. M. Métin speaks with no greater authority than that of a tourist; but it would not be easy to find a more eager and intelligent one than he. The two concluding chapters, on Indian agriculture and industry respectively, are of more substantial value, presenting in small compass what one would otherwise have to glean laboriously from more pretentious works.

The Evolution of Modern Liberty, by Dr. George L. Scherger (New York, Longmans, Green & Co., 1904) is a painstaking piece of critical research, undertaken as a doctoral dissertation at the suggestion of Professor Max Lenz of Berlin. The author has attempted to trace the genesis of the political theories embodied in the Bills of Rights and in the French Declaration of the Rights of Man, and to show that these documents are products of a long development. He controverts the thesis of Professor Jellinek that the French Declaration of the Rights of Man is little more than a transcription of clauses from the Bills of Rights of the American states, and at the same time he disagrees with M. Boutmy in attributing the origin of the Declaration chiefly to Rousseau's influence.

Among the efforts to awaken in the minds of boys and girls an intelligent interest in public affairs, a series of articles that recently appeared in the *Youth's Companion* and now collected in an attractive volume, *The Ship of State, by Those at the Helm* (Boston, Ginn & Co., 1903) is deserving of a word of praise. The article on the presidency was written by Mr. Roosevelt while he was governor of New York. Henry Cabot Lodge writes about the life of a senator, and Thomas B. Reed on the life of a congressman. Justice Brewer tells about the Supreme Court, and John D. Long about life in the Navy and about the naval war college. Other articles are: "How our Soldiers are Fed" by William Carey Sanger; "How the Army is Clothed," by General M. F. Ludington; "Good Manners and Diplomacy," by William R. Day; "How Foreign Treaties are Made," by Henry Cabot Lodge; "Uncle Sam's Law Business," by John K. Richards; and "The American Post Office," by W. L. Wilson. Among the best articles are those by Mr. Reed and Justice Brewer. Mr. Lodge's account of the life of a senator, and the articles on the feeding and clothing of the army, leave many interesting things unsaid. The book contains excellent portraits.

An unpretentious record of what has thus far been accomplished in

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an exceedingly interesting experiment in popular education is contained in Charles Sprague Smith's *Working with the People* (New York, A. Wessels & Co., 1904). It is the story of the organization and activities of the People's Institute of New York, which has attained such dimensions that the great hall of the Cooper Institute is no longer adequate for it. Mr. Smith has succeeded in bringing together trained lecturers and teachers of diverse views and a great audience of middle class and working people, and in maintaining discussions that are really free and many-sided; in creating, in short, a true democratic forum. No one, we think, can read the story of his achievement without being greatly impressed by its genuine worth and promise.

In a little volume of 104 pages, entitled *The Teaching of History*, and published by the Cambridge University Press, some half-dozen English scholars have set forth their achievements and aspirations on behalf of this favorite study. Maitland furnishes the introduction, while the essays are written by Gwatkin, Poole, Tanner, Cunningham, Ashley and others. Among the subjects discussed are the teaching of ecclesiastical history, of paleography and diplomatics, of ancient history, of constitutional history, of economic history. The teaching of history in the lower schools also receives separate treatment. The essays are all suggestive and stimulating.

Under the title of *Rights of Man in America* (The Imperial Press, Cleveland, 1903 ; 123 pp.) Professor John Bach McMaster publishes three lectures which were originally delivered before a chapter of the Daughters of the American Revolution. The lectures contain a valuable and interesting summary of the steps by which, from the beginning of the Revolution until about 1850, the various legal restrictions on the so-called inalienable rights mentioned in the Declaration of Independence were abolished. His array of facts forcibly illustrates the wide divergence between the ideals of the Revolutionists and the actual conditions existing at the time; between those ideals and the reforms which were then possible. Equally impressive, however, is the recital of the steps by which in the states the inequalities were done away, and the free and equal use of life, liberty and property have been approximately guaranteed to all.

So great has been the demand for the reprinting of the early volumes of the *Collections of the Wisconsin Historical Society*, that it has been decided to reissue the first series of ten volumes at the rate of two a year. The first has come to hand, and contains in addition to a reprint of the contents of the original edition, a memoir and bibliography of Lyman C. Draper, prepared by Mr. Thwaites. The latest volume

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of the *Proceedings* of this society contains, in addition to reports and lists of gifts to the library, a monograph on early Wisconsin imprints.

The seventh volume of the *Publications of the Mississippi Historical Society*, (531 pp.), contains a long and interesting array of articles, relating in part to the Civil War and reconstruction in the southwest, and in part to miscellaneous subjects connected with the history of that section. Of special interest are two hitherto unpublished chapters from the pen of Dr. Monette, the historian of the Mississippi valley. The editor, Dr. Riley, contributes a sketch of the life of Col. J. F. H. Claiborne, which has also been issued separately.

Dr. Walter L. Fleming of the University of West Virginia, Morgantown, W. Va., has begun the issue of a series of reprints of documents relating to Reconstruction. Of these, No. I has been received, containing the constitution and ritual of the Knights of the White Camelia.

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